

June 10, 2008



**TRANSCRIPT
June 10, 2008**

MONTGOMERY COUNTY COUNCIL

PRESENT

Councilmember Michael Knapp, President
Councilmember Roger Berliner
Councilmember Valerie Ervin
Councilmember George Leventhal
Councilmember Duchy Trachtenberg

Councilmember Phil Andrews, Vice President
Councilmember Marc Elrich
Councilmember Nancy Floreen
Councilmember Donald Praisner



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1 Robert Drummer,
2 Good afternoon. My name is Bob Drummer. I'm Legislative Attorney to the County
3 Council, and the Council has delegated the conduct of this hearing to me, the three
4 hearings we have. No, four. I think it's four. Well, whatever number we have this
5 afternoon. I believe it's four. It is four, yeah. The first hearing - we're going to take them
6 in order they show up on the agenda. The first hearing is a public hearing on the
7 following bills, Bill 16-08, Special Capital Improvements Project - Montrose Parkway
8 East, which would authorize the planning, design and construction of the Montrose
9 Parkway East project in the North Bethesda and Aspen Hill policy areas. Bill 17-08,
10 Special Capital Improvements Project - Nebel Street Extended, which would authorize
11 the planning, design, and construction of Nebel Street Extended in the North Bethesda
12 policy area. Bill 18-08, Special Capital Improvements Project - Woodfield Road
13 Extended, which would authorize the planning, design, and construction of the
14 Woodfield Road Extended project in the Damascus policy area. Bill 19-08, Special
15 Capital Improvements Project - Bethesda Metro Station South Entrance, which would
16 authorize the planning, design, and construction of the Bethesda Metro Station South
17 Entrance Project in the Bethesda CBD policy area. And Bill 20-08, Special Capital
18 Improvements Project, Bethesda Lot 31 Parking Garage, which would authorize the
19 planning, design, and construction of the Bethesda Lot 31 Parking Garage in the
20 Bethesda CBD policy area. Action on all these Bills is scheduled for later today when
21 the Council reconvenes at 3:00 p.m. Before beginning your presentation, please state
22 your name and address clearly for the record, and spell any unusual names. Okay. I
23 believe we have signed up one speaker, Mr. Jim Humphrey. And is there anybody else
24 here who wanted to speak on this? Go ahead, Mr. Humphrey.

25
26 Jim Humphrey,
27 Thank you. My name is Jim Humphrey, I'm testifying as an individual. I live 5104 Elm
28 Street in Bethesda. I'm a little surprised. I don't have written testimony because I
29 expected to be addressing nine Councilmembers -- a full complement of nine today for
30 the first time in months. First of all, on the public parking lot -- public parking garage, the
31 residents of Bethesda/Chevy Chase area that I spoke with yesterday and on Sunday
32 who attended the public meetings about this project with the developer, PN Hoppin,
33 were all shocked to find out that the public parking garage was not being built by the
34 developer and given to the County. That was our understanding, all of us when we
35 came away from those meetings with the developer. So it's a surprise for us to find out
36 on very short notice, I might add, that the net cost to the County taxpayers would be
37 over \$49 million for construction of this garage. As far as Bill 19-08 is concerned, the
38 south entrance of the Bethesda Metro Station, this is the wrong location -- absolute
39 wrong location. Again, everyone I spoke with in the last two days believes the Elm
40 Street location is -- if you go up to Wisconsin Avenue, about two football fields away
41 from the current metro station entrance, a little more perhaps. The appropriate location
42 for it would, of course, be over the intersection of Bethesda Avenue and Woodmont, in
43 between the project we just mentioned, lot 31 and 31A; and the new hotel and retail
44 office building that's going to be built on the north side of Bethesda Avenue. If you go



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1 from that intersection over to Elm Street, and most of the block up to Wisconsin Avenue
2 to the proposed new entrance, if you continued along Woodmont that same distance,
3 you would be less than 300 feet from the current metro entrance. So it's just the wrong
4 location. We understand it's suggested in the Bethesda Sector Plan -- Master Plan for
5 the Bethesda CBD, but as the citizens are well aware, there are a lot of
6 recommendations made in Master Plans that we are told no longer are very valuable
7 recommendations or suggestions because times have changed. This is one we think is
8 just the wrong location. I would like to comment on two items of process. One involves
9 the land transactions, land owned by the people of Montgomery County. There is no
10 transparency. I can tell you that the Civic Federation Executive Committee, on which I
11 serve, is very concerned that there is not limited, but no transparency in those land
12 transactions. There is no opportunity for citizen involvement or information sharing. Prior
13 to those deals being signed by the Executive Branch. It's as if they are playing
14 monopoly with land that is, in fact, owned by the people of the Montgomery County. And
15 we are only told the details after the fact. Second of all is on the process for the
16 legislation before us today. These are five Bills that were introduced on May 22nd. The
17 hearing is being held 19 days later. The vote is the same day as the hearing. Again,
18 everyone I spoke with in the last two days in the Bethesda/Chevy Chase area is
19 surprised to hear that a hearing could occur on Bills that were not Expedited Bills in 19
20 days. We all thought that there was a 30-day public notification requirement in law for
21 legislation -- for Bills to be heard. I notice that these Bills were not even referred to the
22 Transportation Infrastructure Environment Committee for their recommendation. So
23 we're concerned about the process.

24
25 Robert Drummer,
26 You can finish your thoughts.

27
28 Jim Humphrey,
29 We're concerned about that process as well, and I think that's the reason that you don't
30 see more people from Bethesda/Chevy Chase area in the room today. Thank you.

31
32 Robert Drummer,
33 Thank you. Do we have any other speakers who didn't sign up who want to take a shot?
34 Okay. All right. That concludes Agenda Item Number 1. We will move to agenda item
35 number 2. This is a public hearing on a Supplemental Appropriation to the County
36 Government's Fiscal Year '08 Operating Budget of the Department of Correction and
37 Rehabilitation for \$31,220; the Department of Health and Human Services for \$701,040;
38 and the Department of Police for the Wage Equity Settlement Agreement in the amount
39 of \$31,090. Action is tentatively scheduled for Tuesday, June 17, 2008. Do we have any
40 speak -- we have no speakers signed up, and nobody who is jumping up to the front to
41 speak. Okay. That would conclude Agenda Item Number 2. Number 3, this is a public
42 hearing on a Supplemental Appropriation to the County Government's FY08 Operating
43 Budget, Department of Public Works and Transportation for snow removal, wind and
44 rainstorm cleanup, underground storage tanks, project civic access, and safe routes to



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1 school in the amount of \$9,700,470. A T&E Committee work session is tentatively
2 scheduled for June 16, 2008, at 9:30 a.m. There's nobody here that signed up to speak
3 for this one. Persons wishing to submit additional comments, or comments in the first
4 place should do so by the close of business on Wednesday, June 11th, so that your
5 views can be conclude in the material which staff will prepare for Council consideration.
6 Okay. That would conclude Agenda Item Number 3. Agenda Item Number 4. This is a
7 public hearing on a Supplemental Appropriation to the County Government's FY08
8 Operating Budget, Non-Departmental Account for future federal state other grants in the
9 amount of \$8 million. Again, we have no speakers and nobody here who didn't sign up
10 who wants to come up and speak. Action on this supplemental appropriation is
11 scheduled for later today. Since we have no speakers that would conclude Agenda Item
12 Number 4. I believe that's all for public hearings.

13
14 [RECESS]

15
16 President Knapp,
17 Welcome back to my colleagues. The Council is now reconvening after two weeks of
18 recess following our actions on the County's budget. I would ask that everyone please
19 rise. We'll have a moment of silence. And I would ask everyone to keep in their prayers,
20 and we'll have a brief memorial to this, former Councilmember and County Executive,
21 Neal Potter. Thank you very much. We'll begin with the Council's, really, just a tribute to
22 former Councilmember and County Executive Neal Potter. I don't know if my colleagues
23 have some remarks. We were just at a memorial service for Mr. Potter a half hour ago.
24 And I did not have the opportunity nor pleasure to serve with Mr. Potter, but certainly his
25 nearly three decades of service to our County are legendary, and there are stories
26 about him that abound, many of which we just heard. I think the thing that is -- I have
27 taken away from with the interactions I've had with him and the stories I've heard of him
28 and of his service was really his commitment to community, his commitment to making
29 sure that everyone participated in the process, and his diligence and thoroughness to
30 making sure that we did what we needed to do; and really paid attention to the people in
31 our community during that process. And so it is certainly a great loss to our County to
32 have had Mr. Potter's passing. By the same token, Mr. Potter was 93 years old and
33 lived a tremendously full life and right up to the very end was doing things that he
34 wanted to be doing and was trying to make sure that he continued to make a difference
35 and leave this world a better place than he found it. And so I think this County was
36 tremendously well-served to have had him in public life. And it is certainly a legacy that
37 we should all look up to as we continue to try and serve the community of Montgomery
38 as it goes forward. And so it is with great sadness, but also with great joy that we have a
39 legacy like that to look up to. And so it is our honor to capture his memory in the words
40 that my colleagues will share with us. Mr. Andrews.

41
42 Vice President Andrews,
43 Thank you, President Knapp. Neal Potter served a very long time on the County
44 Council, longer than anybody else. And almost long enough for me to serve with him for



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1 a while. I just missed it. But I did have the good opportunity to represent him on the
2 County Council after he moved to the Asbury Methodist Home in Gaithersburg two or
3 three years ago. And I did have a chance to talk with him over the years. And Neal
4 Potter has a lot of influence on me and how I think about government. He was always
5 an exemplar of civility, of listening and respecting people, of being independent and
6 thoughtful, and thinking long-term. He also worked extremely hard and his notes that he
7 would make on his packets in terms of their detail were legendary around here. And a
8 good model for us all in terms of diligence. Neal Potter's career was certainly historic. It
9 was marked really by constant integrity, independence, thinking long-term. In terms of
10 the legacy that he leaves the County, he left the County -- has left County a legacy of
11 well-planned growth, of fiscal responsibility, and a more accountable government --
12 more open and accountable government. He was a public servant to the core, and he
13 led this County through some of its most difficult years in the early '90s. From 1990 to
14 1994, the County and Country went through a significant recession. And very difficult
15 decisions had to be made during that time. And he led the way; did not shrink from
16 making them, and as a result the County's fiscal house remained in good order. Its AAA
17 bond rating remained intact, and the services that were most critical to the County were
18 preserved. And he was the right person for that time. In terms what he has left for future
19 generations, he played a major role in helping to support the establishment of the
20 Agricultural Reserve and protect it for future generations. I see Royce Hanson in the
21 audience, our Panning Board Chair, who knew Mr. Potter extremely well, and who,
22 himself, played a critical role in the establishment of the Agriculture Reserve. And it was
23 that kind of farsighted leadership that we are benefiting from now and that our children
24 and grandchildren will benefit from as well. And so it was an honor to know him, an
25 honor to represent him, and an honor to pay tribute to him.

26
27 Councilmember Floreen,

28 Thank you, Mr. President. I got to know Neal -- gosh, I guess it was about over 20 years
29 ago when I got involved in the Lenny's planning in the County and was appointed to the
30 County Planning Board in 1986. And what I respect most about Royce is that he really
31 did sweat the small stuff, as well as the big stuff. You couldn't go in and have a con -- at
32 least I couldn't go in and have a conversation with him without being reminded about his
33 family land being taken for the beltway, the nature of the condition of bridges throughout
34 Montgomery County, or the accuracy of the counting of cars on the beltway. Some of
35 you may be familiar with the fact that he was known to go out and check, I guess it was
36 Planning staff's numbers back then. But he did, as Phil said, I understand it he read
37 every packet. He paid attention to the details. And really that's we're all about, the
38 details of community. It really makes a difference. People can say all they like at the
39 Federal and State levels, but here we do manage the details. And so I'd say we were
40 lucky to have him. He was so steadfast in his commitment to fairness and thoughtful
41 public policy. And if it's true that service to others is the rent you pay for your room on
42 earth, then he paid his rent in full. He really has left a legacy for us all, and we owe him
43 a great debt of gratitude.



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1 President Knapp,
2 Great. Thank you very much. Councilmember Berliner.

3
4 Councilmember Berliner,
5 I don't pretend to have known Mr. Potter as well as many in this community, but prior to
6 the last days of his life he was a life-long resident of District One and cast a large
7 shadow. In the last several years of his life and in my serving on the Council, I did have
8 the privilege of meeting him, meeting with him, going to his home, having breakfast,
9 listening to him. And what I was struck by today is, I think all of us were, was the extent
10 to which he was honored for his humaneness, for his civility, for his lack of ego, for his
11 willingness to listen. It were -- those for just being a good human being. It really was, I
12 think, an extraordinary tribute in that regard. If there was one description of Mr. Potter
13 that stuck with me as we were reading about him in the paper it was that other giant in
14 Montgomery County, Esther Gellman's observation that Neal Potter was a prince of a
15 man. Thank you.

16
17 President Knapp,
18 Thank you. Councilmember Trachtenberg.

19
20 Councilmember Trachtenberg,
21 Thank you, President. I had the honor and the opportunity to get to know Neal a little bit
22 over the last 8 years or so, and in the twilight of his life here in the County, and found
23 him to be an exceptionally kind man and very much a gentlemen the epitome of a public
24 servant. And I know we all recognize that and we all know that Neal was generous with
25 both his opinion and advice. And I sought that opinion and advice many times, both
26 when I ran for the Council two times, but also in the year and a half that I've had the
27 pleasure of serving here. And can remember after my election back in 2006 I saw him
28 for tea one afternoon and asked him for some advice about the MFP, the committee
29 that I was going to sit on and I was going to chair. And Neal had served on that
30 committee for a long period of time -- not exactly sure the years that he spent on that
31 committee, but it has been one of his committees. And his advice to me was make sure
32 I always had a ruler when I read the Council packet, and I had on a very strong pot of
33 coffee if it was I was reading it in the evening. But he also told me I didn't need my
34 calculator, that it wouldn't be do me any good, that what I really needed to have when I
35 was reading those packets and conducting myself in the committee was some
36 commonsense. Because he said in a final analysis it's really commonsense that has to
37 dictate good public policy. So I will keep that in mind all the days that I have the
38 pleasure of serving here. And I certainly want to recognize the full life that Neal had
39 here in Montgomery County and the enormous contributions that he made to really not
40 just a few citizens but probably most residents of this County.

41
42 President Knapp,
43 Councilmember Elrich.



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1 Councilmember Elrich,

2 Neal was a long and dear friend of mine. I first got to deal with him in the -- I guess over
3 20 years ago when the Council was deliberating one of the early discussions about the
4 future of Silver Spring. And I found Neal to be one of the most thoughtful and analytical
5 members of the Council that I had in over the years had ever known. Neal based his
6 positions on the facts as he knew them and understood them, but Neal never reached a
7 conclusion and decided he didn't have to listen to more information, and that he was
8 closed to more facts. Some people would say that Neal was constantly reevaluating
9 things and that was -- that could slow things down. And I prefer to look at it as the
10 willingness to constantly reevaluate things ensures that you make better decisions. And
11 I think Neal's commitment above all was to making the best decision. You would never
12 find Neal defending a position he had taken for the sake of defending the position he
13 had taken. He took a position because he thought it was the right thing to do. And if you
14 could convince Neal that it wasn't the right thing to do, Neal could change his mind. And
15 I think it's one of the most outstanding qualities that you could ask of in any public
16 servant. That she talks about seeking Neal out for opinions -- his opinions and advice,
17 and you didn't have to seek Neal out to get opinions and advice. I don't think there
18 wasn't a time when I didn't run into Neal at some event and he offered me opinions and
19 advice. And I always wanted to listen to him. And I always appreciated the time he took
20 to talk about these things, because a lot of these were social events. But when Neal had
21 the opportunity to talk to somebody, inform somebody, try to help them understand
22 something, Neal would take that opportunity to do that, social event or otherwise. I think
23 the County's going to miss him. I think that certainly his view and the work he did on
24 analysis of growth and the cost of growth, and understanding the cost of infrastructure
25 and the relationship of infrastructure to how one grows, were certainly essential to the
26 formation of my own ideas in looking at things in the County. And I really appreciate
27 everything he did for me, and I appreciate everything he did for Montgomery County. He
28 was a wonderful, wonderful human being. You could not ask for a person with a better
29 did demeanor and a more congenial way of dealing with their colleagues. And he will be
30 missed. And I think we all owe Neal a great debt for the work he put in and the time he
31 put into this County.

32
33 President Knapp,

34 Thank you very much. Councilmember Praisner.

35
36 Councilmember Praisner,

37 Thank you, Mr. President. I never worked with Neal, but I guess I knew him through the
38 political scene for more than a decade or so. And Neal always let it be known as to
39 where he stood on an issue. But he was always full of surprises. I remember the day
40 that was the deadline for nominations to run for County Executive, and the rumors had
41 been going around that Neal was thinking about it. Everyone said no, no, he's not go to
42 run. But lo and behold he went in and filed shortly before the deadline. And he not only
43 filed but won that election, which surprised many of us. And then four years later, he
44 decided he was going to come back to the County Council and won that race, and



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1 served another four years on the Council. I cannot add to what my colleagues have said
2 about Neal. He was a gentleman. He was a scholar. He stood what he believed in. And
3 in this day and age that's very difficult to do. And I think as I agree with all of us -- all of
4 my colleagues, we'll miss him very much. Thank you.

5
6 President Knapp,
7 Thank you very much. Councilmember Leventhal.

8
9 Councilmember Leventhal,
10 I'm very interested to hear from my friends and colleagues about their knowledge of an
11 interaction with Neal, because he touched a lot of lives. And whether you had been
12 active in county politics for a long time or relatively recently, he was well-known to many
13 of us. I interacted with him most extensively when I worked on Capitol Hill, and we -- I
14 worked for the Senator Mikulski, and we delivered a lot of goods for Montgomery
15 County during the time that he was County Executive. And we had a lot of opportunities
16 to meet with him and with his staff. But I hope it's not inappropriate to talk about politics
17 in an official setting, because -- and Don Praisner alludes to it. I think the most
18 cataclysmically spectacular event that I recollect of Neal Potter was his stunning upset
19 of Sid Cramer in the 1990 election. And when we think about Neal Potter, and what I
20 appreciate about all -- very much about all the comments of my colleagues was that
21 was a gentler time in Montgomery County politics, and Neal Potter was responsible for
22 a gentler tone. And there was a Montgomery County way of interacting even in a fierce
23 political battle that did put issues first and that was respectful. And I think, in fact, it was
24 that that swept Neal, much to many people's surprise, to victory against an incumbent
25 County Executive was that there was a sense that no matter with where you stood on
26 the variety of issues that come before the County Council and the County Executive that
27 Neal was someone with integrity and who was a real gentlemen. And so there may be
28 some sort of order to the universe because we've all had the opportunity this afternoon
29 to come here to what will be some difficult debates, but we've just come out of church,
30 and we've been called to a higher purpose. And so I appreciate each of us reflecting.
31 And I certainly will reflect on Neal Potter's legacy and his gentlemanliness, and what it
32 means to participate in the Montgomery County way. All of us are the inheritors of a
33 great tradition, a tradition of good government, clean government, caring government,
34 and we have a lot to live up to.

35
36 President Knapp,
37 Thank you very much. I thank all my colleagues for their remarks and for their tones and
38 for their recollection of a truly significant member of Montgomery County's community,
39 the greater community. And so I think today's service that we were just at was
40 significant, and the people that were there and the breadth of people that were there,
41 and I think the remarks that we've all just shared are reflective of his time and tenure in
42 the Council, and we will keep him in our memories. Thank you very much. I would like to
43 turn to some more administrative activities. We had the opportunity to hear from our
44 newest Councilmember during our last remarks. But I wanted to take a moment to



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1 recognize our newest Councilmember, Mr. Praisner, who was during, our deliberations
2 on the budget, was running an election and was elected, and has been sworn in during
3 the intervening two weeks when we weren't here. And we had a breakfast reception
4 honoring him this morning. And I just wanted to extend my public welcome and
5 congratulations. And we look forward to working with you over the next couple years.
6 And as a result, there's now a little bit of seating shifting so you'll see that people aren't
7 exactly where they were when we all left, but you can follow the signs along the front
8 and see where everyone is sitting. I will now turn to Ms. Lauer for any announcements
9 or calendar changes.

10
11 Linda Lauer,

12 No changes but we did get a lot of petitions while you guys were gone. So let's just go
13 through those. We had one supporting the school union contracts; another supporting
14 the Piney Branch community pool; two actually on Montgomery Childcare Association
15 Bel Pre centers supporting a grant request for kitchen repairs and upgrades;
16 modernization of Crest Haven Elementary School; supporting modernization of
17 Gaithersburg High School, two of those; one opposing the elimination of the manager
18 position in an Office of Disparity's reduction. We have one opposing the continuing
19 warfare in Iraq; and the last supporting Suburban Hospital's campus enhancement
20 project.

21
22 President Knapp,

23 Thank you very much. Madam Clerk, do we have any minutes to approve?

24
25 Council Clerk,

26 You have the minutes of May 5th, 7th and 8th, for approval.

27
28 President Knapp,

29 Is there a motion?

30
31 Councilmember Floreen,

32 I'll move approval.

33
34 President Knapp,

35 Moved by Councilmember Floreen.

36
37 Councilmember Trachtenberg,

38 Second.

39
40 President Knapp,

41 Seconded by Councilmember Trachtenberg. Any discussion on the minutes? Seeing
42 none. All in support indicate by raising your hand. That is unanimous. Thank you very
43 much. We now turn to the consent calendar? Is there a motion?



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1 President Knapp,
2 Moved by Council Vice President Andrews.

3
4 Councilmember Ervin,
5 Second.

6
7 President Knapp,
8 Seconded by Councilmember Ervin? Is there a discussion on the Consent Calendar?
9 Council Vice President Andrews.

10
11 Vice President Andrews,
12 Thank you, President Knapp. Thank you. I want to comment briefly on the receipt and
13 release of the Office of Legislative Oversight's report on hiring people with disabilities, a
14 review of County Government practices. This is an area that -- where there appears to
15 be significant room for improvement, and where I think there's a lot of interest in making
16 progress. And I look forward to thoroughly reviewing the report, which is always done by
17 OLO, in this case by Leslie Ruben and Jennifer Renkema. It's thorough and thoughtful
18 and has much for us to consider. I see that the Management Fiscal Policy Committee
19 has a work session scheduled for June 23rd tentatively, and I hope to attend that. And I
20 look forward to the good work I know they will do in reviewing the document, and
21 making recommendations to the Council about how we did become among the best
22 governments in the nation in hiring people with disabilities.

23
24 President Knapp,
25 Good. Thank you very much. Further discussion on the Consent Calendar? Seeing
26 none. All in support of the Consent Calendar indicate by raising your hand. That is
27 unanimous. Thank you very much. We now turn to District Council Session. And our
28 first item is one that has gotten lots of discussion. We received lots of emails. There
29 have been lots of newspaper articles, a variety of things. And that is action and
30 resolutions to determine disposition of house Hillmead Neighborhood Park. Before we
31 get started I know there's a lot of interest in folks from the neighborhood, and I know
32 unfortunately because of the fact that we are having renovations done on the third floor,
33 we are -- this is the room that we have before us. And so we can only fit so many
34 people in here. So there is a television set up in the cafeteria -- in the cafeteria so that if
35 we were pretty much at capacity now. So if we are getting more people in, we have to
36 send some people downstairs to watch it down there. And I know that's not a great
37 situation but that's technologically what we've got right now. I want people to know that
38 that we do have a way for everyone to at least participate in the discussion. Also, I know
39 that there are lots of strong feelings, lots of passions as it relates to the discussion we're
40 going to have. I would encourage everyone to, as we just talked about, continue to have
41 a high level of civility and recognize that there are lots of opinions and perspectives, and
42 that we need to keep them in account. And there's no reason, while we may not all
43 agree, we can certainly disagree without being disagreeable. And I hope that that will be
44 the case for our discussion this afternoon. Before we get started, before I turn to



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1 Councilmembers, what I would like to try and do is just have staff give us through a
2 quick background as to why we're here and what the situations are before us. And then
3 I will turn to the two sponsors of the resolutions for their perspectives, and then we'll go
4 from there.

5
6 Linda McMillan,

7 I think I'll start and Ms. Michaelson will join in. The background of this is in last October
8 the PHED Committee was first to hear the request for the acquisition of 1.34 acres of
9 land contiguous to the Hillmead Neighborhood Park to allow for park expansion. The
10 price that had been agreed to was \$2.5 million. The PHED Committee held a meeting
11 on this in late October. And the PHED Committee recommended approval of the
12 purchase, but also requested at that meeting information on the cost associated with
13 restoring rather than demolishing the single family home located on the property. The
14 request from Park and Planning had included \$65,000 to pay for the demolition of the
15 property. The PHED Committee request really came out of work that the committee has
16 been doing for some time. Since 2002 the PHED Committee has been discussing the
17 issue of providing affordable housing on publicly-owned land. And in 2004 the PHED
18 Committee had discussed with Park and Planning identifying opportunities to support
19 workforce housing by using existing houses on parkland or other facilities on park
20 property. And had had an update on that in 2004 to see what possibilities there were in
21 terms of park properties. In March of 2007, the PHED Committee Chair, Marilyn
22 Praisner, wrote to Chairman Hanson concerning the leasing of park houses and overall
23 use of park house for group homes and other housing, and had a work session in July
24 where they received an update on the inventory of properties on parkland. At that time,
25 the committee heard that some houses were leased a commission employees, counties'
26 employees, and the general public. Some were leased as group homes. Some were
27 parts of life estates. Some were recommended for razing, and some were used by
28 commission for office space. And at that session the committee did hear from Chairman
29 Hanson that the commission's view was that they were very comfortable in leasing
30 houses as interim uses but opposed to establishing a permanent inventory of generally
31 available rental properties. And the reason I just touch on that is to understand that the
32 PHED Committee had been having a discussion related to park properties for several
33 years. It didn't just come up when this property came up. Also at the October meeting
34 the PHED Committee requested a more detailed discussion about the general uses of
35 the Advanced Land Acquisition Revolving Fund, in this case Park and Planning's
36 ALARF, and when funds needed to be repaid to ALARF depending on what the land
37 was purchased for. On October 23rd, the resolution to purchase the property was
38 introduced at the full Council. And on October 30th, the Council acted on the resolution
39 to approve the use of Park and Planning ALARF for the acquisition of the Hillmead
40 Neighborhood Park property. It was noted then that the property was proposed to serve
41 as an addition to the Hillmead Neighborhood Park. It would allow for expansion of the
42 park, the potential for additional park facilities, and the protection of a stand of mature
43 trees. While the park expansion was not specifically noted in the Master Plan, several
44 associations had discussed this; and it was noted that there was overall language in the



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1 Master Plan about the acquiring of parkland and open space. And so under this
2 guideline, the Council did move forward with approving the purchase of the land. Mr.
3 Leventhal, at the meeting, moved and was seconded, an amendment to remove the
4 \$65,000 for the cost of the demolition from the action, and required that no demolition of
5 the existing improvement would occur until the Council had a discussion with the
6 Planning Board. And the Council determined what the proposed disposition of the
7 improvement should be and let it be in the public interest. Mr. Andrews and Mr. Berliner
8 opposed the amendment. The motion as amended was passed, and the property was
9 purchased. In January, the Director of Housing and Community Affairs, Mr. Nelson,
10 wrote to the Planning Board Chair and said that the department was interested in using
11 the house for special needs housing. In late January, the Director of Parks, Ms.
12 Bradford, wrote back to the DHCA and requested that DHCA complete its assessment
13 of the property within 60 days. In February and March, DHCA staff wrote to the Hillmead
14 Citizens Association about the continued use of the house. There was information from
15 DHCA in coordination with the Department of Health and Human Services
16 recommending that the house be used as a residence for a large previously homeless
17 family in Montgomery County that's receiving service and case management. DHCA
18 and Councilmember Berliner hosted a community meeting in March with the community
19 where this issue was discussed. In April, DHCA Director Nelson wrote to the Parks
20 Department, to Director Bradford and told her that remediation studies estimated the
21 cost for renovation of the house as being in the range of 138,000 to 187,000 for
22 continued use as a single-family home. An additional 25 to \$30,000 would be required if
23 the home were to be used as a group home. The letters stated that the County
24 Executive had said in conversations with community members that this property and the
25 house are owned by the Parks Department, and the Executive's advice is being sought
26 as part of the Council's desire to determine potential uses of the house, which may be in
27 the public interest. I did include in the memo for you, on page four, a summation of
28 some of the items that were in the remediation cost so that you can see the kinds of
29 things that were addressed in the estimate. In April, Planning Board Chairman Hanson
30 wrote to Council President Knapp and said that the assessment provided by DHCA
31 Director Nelson did not include a specific proposal for transfer release of the house. And
32 we understand that the County Executive is taking no position on its disposition leaving
33 that matter to the Council. Chairman Hanson also said that it appears that no other
34 agency is ready, willing, or able to accept the Hillmead house for a non-park use. We
35 therefore renew our original proposal for use of the property as a park. At the Council's
36 April 29th session, Councilmembers Leventhal and Berliner each introduced resolutions
37 to determine the disposition of the property, and that's what's before you today for
38 discussion. Lastly, while we did not include in the packet before you the numerous
39 pieces of correspondence that we have received from the community, we did receive a
40 letter from attorney David Brown, who was representing a group of citizens in the
41 Hillmead area; we did include that in your packet as his conclusion related to whether
42 the purchase -- the original purchase was enacted in conformity with Article 28, which
43 allows for use by ALARF. And so, therefore, we included that in your pocket as well. So
44 in your packet you have the chronology of backup documentation to show you the



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1 correspondence that took place between both the Council and the Park and Planning,
2 and the Executive Branch, which included DHCA, and the Department of Health and
3 Human Services, and then coming back to the Council to prepare you for today's
4 discussion.

5
6 President Knapp,
7 Very good. [Inaudible] anything to -- .

8
9 Marlene Michaelson,
10 She was very thorough. I have nothing to add.

11
12 President Knapp,
13 Okay. I will now turn to the two sponsors of the two solutions, beginning with
14 Councilmember Leventhal, and then turning to Councilmember Berliner.

15
16 Councilmember Leventhal,
17 Thank you, Mr. President. I'm going to speak to six key points. First, the cost of
18 renovating the home; second, the causes of homelessness; third, safety and security for
19 the neighborhood; fourth, the process by which we got here; fifth, use ability of the park
20 space; and sixth, the consequences of our decision today. Let me begin by thanking my
21 colleagues Valerie Ervin and Nancy Floreen for agreeing to cosponsor this resolution,
22 which, let's face it, is not the most popular thing any of us will ever vote on. I'm very
23 proud of Montgomery County's long-standing policy that no family with children will
24 spend even one night sleeping on the streets. If shelter beds are available, we will find
25 them. If they are not, we place families in motels. Between July 1st, 2007, and March
26 31st, 2008, Montgomery County assisted more than 230 homeless families, which
27 included more than 450 children. The total cost to the County over this nine-month time
28 period was more than \$650,000. For the most part, these families in crisis are able to
29 get their lives together and find stable housing within a matter of weeks. However, there
30 are some cases where a family is harder to place; perhaps because of a lack of
31 relatives living nearby or because of the family's large size. The average length of stay
32 in a shelter and/or motel for these families was five months. The longest stay was about
33 ten months. Thirty-nine families stayed in motels or shelters more than 90 days during
34 this time period at a cost of just over \$600,000. The highest cost incurred for one family
35 was about \$93,000 for about 295 days. These costs put in perspective, the estimated
36 \$180,000 necessary to renovate the former [inaudible] home for long-term tenancy . It
37 costs the County more than \$93,000 to provide temporary housing for one family for
38 less than a year. For less than \$200,000 we can provide long-term stable housing for
39 many years. We must jump on the chance to provide housing when it becomes
40 available. And the accusation that we are spending \$2.5 million or more to house one
41 family is completely false. We spent \$2.5 million to expand the park, and we have
42 expanded the park. The question before us now is whether we should keep or demolish
43 the existing structure that sits within the park. We are simply proposing to use the
44 structure that the County already owns for an important public purpose. That structure



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1 belongs to all the people of Montgomery County, not just the people who live
2 immediately adjacent to it. There are more than a half-dozen other similar uses in park
3 houses today. None of them have been disruptive to the neighborhoods or the parks in
4 which they are located. Each of them has helped vulnerable, disabled or unlucky people
5 find a stable home. Now let me speak for a moment about the causes of homelessness.
6 I actually need the other chart first, please. Many people believe that the primary causes
7 of homelessness are mental illness and drug abuse. And as this chart, prepared by the
8 U.S. Conference of Mayors, shows these two causes -- mental illness in 65% of cases
9 and substance abuse in 61% of cases, are indeed the primary reasons why single
10 individuals become homeless. For homeless families, now I need the other chart
11 please, however, it is another story as you can see. Lack of affordable housing was
12 cited by 87% of homeless families with children. Poverty was cited by 57%. And
13 domestic violence was cited by 39%. Mental illness represented only 17% of cases. And
14 substance abuse represented only 13%. So when we are talking about homeless
15 families we are for the most part talking about people who are simply poor, unlucky or
16 abused. So in the case of the Hillmead property, while I understand the neighbors' fears
17 that mentally ill or drug abusing residents may pose a threat to neighborhood safety and
18 security, I really think those fears are misplaced. I would never support anything that I
19 believed placed my constituents' safety and security at risk. The Department of Health
20 and Human Services has an extensive screening process providing a thorough review
21 of past and present involvement with the department. Included in the screening are
22 Income management, current debt and credit history, prior housing history, and rent
23 payment history, substance abuse history and treatment. The screening also examines
24 mental health and domestic violence issues. A criminal background check will be
25 performed, including a check with the National Sex Offender Registry. Employment and
26 education history are also addressed. HHS will make every effort to ensure that the
27 family selected for long-term tenancy in the home will fit well with the neighborhood, and
28 will continue to provide counseling and other assistance after the family moves in. The
29 family will contribute 30% of its income to rent; the amount contributed increasing as the
30 family's income rises. Now we will hear that the reason we should demolish this home is
31 because the process by which it was identified for use was flawed. Neighbors have
32 asserted that the Park and Planning Commission promised that the home would be
33 demolished to expand the park, and therefore, the neighbors were misled by the
34 County. But the Park and Planning Commission does not speak for the County, and the
35 Council is not bound by its recommendations. I know it can be confusing to our
36 constituents the different government agencies sometimes speak with different voices
37 and reach different conclusions. But that is the reality of our system. The Council
38 agreed with Park and Planning that it made sense to purchase the in-holding within the
39 existing park. And as Linda McMillan described, on October 30th, 2007, authorized the
40 purchase of the [inaudible] Trail property; however, the Council, by a vote of 7-2,
41 passed my motion which specifically stated that the house should not be demolished.
42 During the debate on that motion. Councilmembers Marilyn Praisner, Nancy Floreen
43 and I all made it very clear that we wanted to explore using the home for special needs
44 housing fully before deciding upon final disposition of the property. Councilmembers



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1 Elrich, Ervin, Floreen, Knapp, Praisner and Trachtenberg all voted for my motion. This
2 discussion was on a fully publicized agenda item during the Council's regular session,
3 which was open to the public, televised on county cable, and available for public viewing
4 on the internet. There was nothing secretive or deceptive about our action. Some have
5 described the Council's action as bait and switch, because we disagreed with Park and
6 Planning. But it seems to me that if we concede that point we are in affect giving up our
7 right to disagree with Park and Planning in the future if Park and Planning recommends
8 something that is popular with the neighborhood. Is that the course we want to take? To
9 take away our own authority to make decisions? Some will say this case is unique. But,
10 in fact, there will be many cases in the future where we will take issue with decisions by
11 Park and Planning. This discussion today, haven't many of us on the Council wished we
12 hadn't followed Park and Planning's recommendation to acquire this parcel at all? When
13 Rick Nelson, Director of Housing and Community Affairs, and Uma Ahluwalia, Director
14 of Health and Human Services, followed up on the Council's vote by proposing in
15 February that the house should be occupied by a formerly homeless family, a
16 community meeting was held to get neighborhood input. Nevertheless, since that time
17 the number of neighbors has asserted that this process wasn't transparent. Some
18 asserted that their opinions on this matter weren't heard. Well, I can assure you they
19 were heard. Is there any member of this Council who has not heard from the neighbors
20 or who is unclear about their views? We heard that neighbors were worried about crime.
21 We heard that property values might decline. We heard that neighborhood parents
22 might not feel comfortable having their children play in the vicinity of the new neighbors.
23 I don't believe we can create a process that will satisfy neighbors with views like these,
24 while at the same time providing housing to the needy. We mustn't create a process
25 that gives veto power to neighbors over who gets to move into the neighborhood. That
26 would be blatantly discriminatory and violate the principle of open housing. And if even if
27 we concede that the process could've been improved upon, that is not to me a valid
28 justification for demolishing this valuable community asset. Which leads us to the final
29 argument against making use of the home. It isn't about keeping the poor family out of
30 the neighborhood we are assured. It is only about green space and trees. Let's talk
31 about that. The County purchased 1.3-acre of land from Mrs. Piotrow and the house is
32 only 3300 square feet. Prior to this acquisition the park was 4.3 acres, now it is 5.6
33 acres, an increase of more than 25%. Even if the house is retained, the size of the park,
34 already quite large, is still expanded by more than an acre. One additional acre with
35 hiking and biking trails. One additional acre where a playground can be expanded to
36 build the swing-set that neighbors have requested. One additional acre where kids can
37 still climb trees because not a single tree would need to be cut down or removed. In the
38 winter, children will still be able to enjoy the popular sledding hill, which was previously
39 on Mrs. [inaudible] land but is now public property. I have walked the property. And I
40 know there is still substantial flat usable space. This gives rise to the predictable but
41 misleading slogan that has cropped up in yards nearby. Save Hillmead Park. Ladies
42 and gentlemen, save it from what? From an existing structure that has stood in the
43 same location since the 1930s? From a family with children who might enjoy playing in
44 the playground? We already saved the park from development by acquiring the Pietrow



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1 property and expanding the size of the park by more than 25%. Had we not done so,
2 the in-holding would've been subdivided and four McMansions would have been
3 constructed in the middle of the park. I do understand the fear and anxiety of the
4 neighbors. It is human nature to be concerned if feel your neighborhood is changing in
5 an undesirable way. But I am confident that once the home is renovated and the family
6 moves in, the concerns will dissipate. But if this Council decides instead to demolish this
7 house, I must ask my colleagues to reflect on this question: If not Hillmead, where? If
8 this neighborhood in Bethesda is just too special and the opposition is just too much for
9 us to bear, where can we locate poor families in need of housing? If we do not use this
10 house, what will it mean for affordable housing policy throughout the County? Explain to
11 the residents of Silver Spring or Aspen Hill or Rockville or Gaithersburg that they have
12 to absorb all of our low-income and formerly homeless population because the residents
13 aren't the kind of neighbors that the neighborhood wants in Hillmead. If we do not do
14 this here, we might as well give up on the Housing First concept or most other initiatives
15 to serve the homeless because it will be very difficult to overcome neighborhood
16 opposition and locate stable permanent housing anywhere else. I know the neighbors
17 assert that they have done their share for the homeless because the Green Tree shelter
18 is a half-mile away from this property. But the reality is that there are more than 1,000
19 people homeless every day in Montgomery County, and every part of the County is
20 going to be asked to help a little bit more. In addition, of course, the Green Tree shelter
21 is transitional temporary housing, which this structure need not be. I challenge
22 mycolleagues to look into the eyes of a mother and her children and tell them that their
23 chance to lift themselves out of misery doesn't fit into the vision of this neighborhood.
24 They may not email us, but the 230 homeless families are our constituents too. We may
25 not be able to end homelessness altogether, but with this house we can end it for one
26 family. To some that may seem only symbolic, but for that one family, it will make all the
27 difference in the world.

28
29 President Knapp,
30 Thank you very much. Councilmember Berliner.

31
32 Councilmember Berliner,
33 My colleague, Councilmember Leventhal, said yesterday that he and I disagree on just
34 about everything related to this issue. That is probably the only thing we do agree on.
35 While we will continue to work together as a team on energy and environmental
36 matters, on healthcare, and on the larger issue of taking care of our homeless; on this
37 matter we have strongly held in diverging views. While Councilmember Leventhal is a
38 renowned advocate and a passionate one, in this instance, I disagree with the
39 substance and tone of this campaign that has been waged previously via email and via
40 the press that has unnecessarily and unfairly tarnished the reputation of one of our
41 great neighborhoods, a neighborhood that I am proud to represent. I deeply regret that
42 the debate over the fate of this structure has take on the tone of a moral crusade with
43 the angel's of mercy on one side and the [inaudible] on the other. It is a false and unfair
44 frame for looking at the issue. It does a disservice to our community and is needlessly



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1 divisive. We owe it to our citizens to conduct our affairs, particularly the most vexing
2 ones like this, in a respectful manner that elevates the public discourse. This is not one
3 of the great moral issues of our time. It is not a singular moment that will define our
4 commitment to civil rights or social welfare or our commitment to the homeless. This
5 single structure is far too slender a reed for such weighty pronouncements. If this
6 debate is a litmus test about anything, it is that issues of this nature are always
7 incendiary, and must be handled with the greatest care and compassion for everyone
8 involved. And this situation was handled about as badly as it gets. I am ready to stand
9 shoulder to shoulder with my colleagues fighting for affordable housing and special needs
10 housing when we have done it the right way. This is the wrong way. This debate is not
11 about our Council's commitment to the homeless or the Bethesda community's
12 commitment to the homeless. Both are exemplary. I am proud to serve on a Council that
13 is as committed to reducing homelessness as this Council. I, like many of you, say to
14 myself whenever I see a homeless person, there but for the grace of God go I. Similarly,
15 I am proud of the fact that the single largest shelter for homeless families in
16 Montgomery County, the single largest shelter, the Green Tree shelter is located within
17 a matter of blocks of this property in Bethesda. I have visited this shelter several times. I
18 have supported this shelter personally and on the HHS Committee. Bethesda and
19 Hillmead neighbors support the cause of homeless in numerous ways and are model
20 neighbors for our largest family shelter. I repeat our largest family shelter for the
21 homeless is just blocks away from the site we are discussing. Bethesda has more beds
22 for the homeless than Takoma Park and Silver Spring. Only Rockville has more homes.
23 Bethesda is emphatically not shirking its responsibility to support the most vulnerable
24 among us. Bethesda bears no shame in this matter, and it is shameful to have
25 suggested so. Moreover the suggestion in the press that good people of Hillmead are
26 responding to this situation differently than any other neighborhood would respond
27 under similar circumstances whether it be in Takoma Park, Silver Spring or Clarksburg,
28 is ridiculous. So what is truly at the heart of this debate and why do I urge my
29 colleagues to vote against Councilmember Leventhal's resolution and instead to support
30 for my resolution that calls for demolishing this structure. Because using this structure
31 for special needs housing will effectively negate the entire purpose for which this parcel
32 was purchased. We spent \$2.5 million to create a park, and this structure sits on the
33 most usable spot of the entire acreage. This isn't just my opinion. It is the opinion of the
34 County's top Park and Planning official, who has said repeatedly that he would never
35 have recommended buying this park if the structure was to remain standing. The
36 structure must be demolished if we are not to have wasted 2.5 million of our taxpayer's
37 dollars. The fact that there is a modest amount of additional acreage that consists of a
38 steep slope and wetlands is almost irrelevant. It is the usable space on the top portion
39 of the property where the house sits that affords the greatest opportunity to expand the
40 existing park facilities. To pretend that we can have both a usable park and preserve the
41 existing structure for any purpose is simply that, a pretense. What is true, on the other
42 hand, is that the process used to explore this option was terrible. It was a mistake to
43 have bought the land as a park and then after the fact explore whether the structure
44 could be used for other purposes. That exploration should happen at the front end, not



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1 the tail end. I have an amendment, if we get to my resolution, that will ensure that in the
2 future we do this in a better way; that any time Park and Planning recommends
3 purchasing land for a park using ALARF funds that has an existing structure on it, that
4 Park and Planning in conjunction with the relevant executive agencies assessed
5 potential to use the existing structure for other important public purposes, and whether
6 to do so would be consistent with the purchase as a park. In this instance, the Hillmead
7 community had every reason to expect that the \$2.5 million expended for parkland
8 would be a park that they and their children could use for generations. To fundamentally
9 change course after they had every reason to expect a park is to break faith with the
10 community. And one doesn't have to be a nimbi to come to that conclusion. That isn't to
11 say we don't have a need for more special needs housing. We do. But that need also
12 doesn't mean that every time we buy parkland with a house on it we would fail our moral
13 duty to those less fortunate than ourselves if we did not use it for special needs housing.
14 There is a reason why the County Executive did not endorse using this parcel for
15 special needs housing. There is a reason why the Planning Board affirmatively opposes
16 it. It is that this is the wrong place at the wrong time at the wrong price. The fact is that
17 there are certainly more cost effective ways to support the homeless, particularly during
18 this time of rising foreclosures. My colleague, Mr. Leventhal, argues that the initial
19 purchase price of 2.5 million is a sunk cost that should not be included in the calculation
20 of cost effectiveness. That would be true if you assume, as he does, that using the
21 structure is only a minor impact on the use of the land as a park. We disagree on that
22 issue. Like Dr. Hanson, I certainly would not have supported buying the parcel as a park
23 if I truly thought that the Councilmember Leventhal's proposal would prevail in the end.
24 The house sits on the prime location for additional usable parkland. Therefore, I think it
25 is only fair to consider that the true cost of a special needs house is the purchase price
26 of the property, the cost of the improvements including asbestos abatement and on
27 going expenses. This could easily be a \$3-million expenditure to assist one large
28 homeless family. We can do a lot better for our homeless and our taxpayers than that.
29 What I resent the most about the manner in which this debate has been framed as is
30 suggested the opponents and by implication, those who support them are all small-
31 minded and rich. Now it is true that the Councilmember Leventhal's proposal has
32 engendered some harsh words, some despicable words, and much fear and anger. The
33 reality is that this is a hot-button issue, and it would be just as hot in every community in
34 Montgomery County, and I submit in every community across the country. And hot-
35 button issues have to be approached with care. Needless to say this issue was not
36 approached with either care or respect. I also believe whoever was responsible for
37 sharing with the Washington Post a most disgusting email sent to the Council, an email
38 sent from someone who doesn't even live in Bethesda or District One, did our County a
39 grave disservice. We get rants like that all the time from fringe elements of over society;
40 to consciously elevate it is to degrade us all. But to argue as my colleague is quoted as
41 saying, and as he said here today again that opposition is based on the belief that,
42 quote, Bethesda is just too special and well situated to allow us to move a poor family
43 in, pits one part of our County, that supports homeless families, against others. And it
44 stereotypes a community that supports the homeless inaccurately and unfairly. Anyone



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1 who has driven through Hillmead knows there are ramblers and modest homes as there
2 are large ones. Many families like families in every part of Montgomery County are
3 struggling to make ends meet in this economy with two working parents, and trying to
4 make a good life for themselves and their children. But more importantly the fact that
5 there may be bad things reasons that have been uttered for opposing special needs
6 housing does not negate that there are very good reasons for opposing special needs
7 housing on this site. I submit that where as here you would want negate the
8 fundamental purpose of a \$2.5-million purchase; two, employ a flawed public process;
9 three, break faith with the neighborhood; four, expend taxpayer dollars in a cost
10 ineffective manner; five, place a large homeless family in an area poorly served by
11 transit and removed from service; and, six, does not have the support of either the
12 County Executive or the Planning Board. When you have all those factors, using the
13 existing structure for special needs housing is not good public policy. Before I conclude,
14 let me share a portion of the one of the many painful communications our office has
15 received from the good people of Hillmead. I sit here and wonder how did Hillmead, a
16 very diverse and civically active community, end up being maligned in the paper and by
17 a member of the County Council? What is it exactly we did wrong? Was it taking pride in
18 our park, renovating it, clearing out the invasive species, picking up the trash, saving it
19 from being overshadowed by more big mansions? Was it living side by side with the
20 homeless shelter on Green Tree Road? Was it having our sons and daughters go to
21 school with the children there; having them at our Halloween party? Was it believing
22 that the County Council and Park and Planning would stick to their word about adding
23 the [inaudible] property to the park? Was it believing that somehow after being held like
24 pawns in the grip of various county government officials that we would come out whole
25 right? For me the Hillmead community will never be whole again. The issue of the park
26 with all the dueling agendas, competitive bureaucrats, and finally the horrendous basing
27 by the Washington Post and Councilmember Leventhal has left a mark on us all. No
28 matter what happens with the park, the taste of being used, misled and maligned will
29 stick with me a long time. This has affected the way I feel about the government. I have
30 thought about leaving this County lately and I was born here. I keep asking myself, how
31 can this be? Are we really those uncaring people in Bethesda? I know we are not, but
32 there are those that will make us out to be just to push their own agendas? That I firmly
33 believe. There are those that have struck at the heart of a small Bethesda community,
34 and that, my Councilmembers, is a sad, sad and unforgivable. The world is not always
35 black and white; good guys versus bad guys; moral crusaders versus selfish louts. And
36 spinning it that way does not help the homeless or our larger community. As elected
37 officials, we are called upon to decide difficult issues; issues that tug at our hearts,
38 issues that involve competing public policy objectives. This is one of them. And I am as
39 confident in the rightness of my resolution as my colleague is in the righteousness of
40 his. Thank you, Council President.

41 President Knapp,

42 Okay. Thank you very much. Okay. Just for procedural perspective, we will deal with
43 Mr. Leventhal's resolution first, and so those for and against that. And then we will turn



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1 to the Mr. Berliner's resolution and any potential amendments that may be associated to
2 that, if we need to get to that point. Those speaking to the underlying resolution
3 introduced by Councilmember Leventhal? Councilmember Ervin.

4
5 Councilmember Ervin,

6 Thank you very much. I'm going to start my remarks by quoting from a book called "The
7 Failures of Integration" by a woman named Cheryl Cassion. In her first chapter of the
8 book the chapter is entitled, "Won't you not be my neighbor." I'm just going to read a
9 paragraph of that. Housing where we live is fundamental in explaining American
10 separatism. Housing was the last plank in the Civil Rights revolution, and it is the realm
11 in which we have experienced the fewest integration gains. When it comes to
12 integration, housing is also the realm in which Americans most seem to agree that
13 separation is acceptable. We may accept, even desire, integrated work places, and
14 integrated public spheres, but when it comes to our private life's base, more visceral
15 personal needs of comfort and security take precedence, especially for families with
16 children. In this context, for many, integration is simply irrelevant or perceived as a
17 threat to more fundamental concerns. Yet segregated residential housing contributes to
18 pervasive inequality in this country, and to social gulfs of misunderstanding. Where you
19 live largely defines what type of people you will be exposed to on a daily basis and
20 hence, how you will relate to different types. It often defines what schools you will go to,
21 what employers you will have access to, and whether you will be exposed to a host of
22 models for success. We seem to ignore the obvious when it comes to race relations in
23 this country, from civil rights leaders to the average Joe, the issues of where we live and
24 why go unexamined even as they have seminal consequences for society. And I would
25 like to support wholeheartedly Councilmember Leventhal's resolution. And I will read
26 from some prepared text. Homelessness is not a choice. Every day in Montgomery
27 County dozens of families will lose their homes. They are young and old, white, black,
28 Latino and Asian. They work every day. The rising cost of rent, gasoline and food, and
29 the ongoing foreclosure crisis have shed a bright light over this issue, and it has been
30 hidden for far too long. Many Montgomery County residents are one paycheck away
31 from disaster. On any given night an average of 1100 persons are homeless in
32 Montgomery County. In addition over 500 families have lost their homes to foreclosure
33 in the district that I represent. This includes homes in Takoma Park, Silver Spring and
34 Wheaton. These are working families who reached their goal of homeownership. Those
35 dreams are now deferred. The real face of homelessness in Montgomery County is a
36 two-parent household with children just like all of your families. In 2006, a family with
37 two adults, one preschool child and one school-aged child required \$67,042 a year to
38 rent a two-bedroom apartment. This translates into a required full-time hourly salary of
39 \$15.87 per adult. I read the comments posted in response to the story written by Mark
40 Fisher of the Washington Post on the Hillmead issue. I read with sadness and horror
41 some of the ugliest comments about poor people that I have ever seen. Not since my
42 many years as a union organizer in the south have I ever heard such despicable
43 language used to describe the working poor. Here are some examples -- just two. And I
44 quote, "nobody wants common thug criminal neighbors. Campgrounds are about \$25 a



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1 night. A large tent would be able to house this family." The second - "If I knew the
2 county would buy me a \$2 million house and have me pay next to nothing for it, I would
3 have given up working and supporting myself long ago instead of shucking out a ton of
4 kids I can't feed." These will give you a flavor on the comments that we've read one the
5 blog of the Washington Post. In Silver Spring, Jessup Blair Park surrounds historic
6 Jesse Blair House, which was renovated in the 1990s into a transitional home for single
7 mothers with children. To the best of my knowledge, the activities in the house have not
8 interfered with the public use and enjoyment of this park. Montgomery County is very
9 proud of its reputation as a progressive county that believes that every family deserves
10 a home. It is a basic human right. We have a public policy goal to house every
11 homeless individual and family. It is not only a lofty goal, it is an attainable goal. The
12 Affordable Housing Task Force recently reported its recommendations to the County.
13 Included in these recommendations were that the County address the special, specific
14 and diverse needs of the homeless population, developmentally- and physical-
15 challenged individuals, seniors and others with special needs. Finally, I want to
16 commend George Leventhal for his courage. The Affordable Housing Task Force
17 speaks to this vision of community acceptance of affordable housing in the report by
18 saying, the need for affordable housing as an integral part of an inclusive community is
19 often not understood or appreciated. This lack of understanding often leads to
20 opposition to affordable housing programs and developments, and in this case a
21 homeless family. To some extent nearly every aspect of the County is dependent on
22 affordable housing opportunities near employment centers for entry-level and service
23 employees, retired residents, and others who are unable to compete for market-priced
24 housing. The County must take steps to help achieve community acceptance,
25 understanding and support of affordable housing. And those are my comments.

26
27 President Knapp,
28 Councilmember Floreen.

29
30 Councilmember Floreen,
31 Thank you. Well, for something a little different, I had a couple of questions. Marlene,
32 could you speak to -- a question came up in the community conversations about the
33 Master Plan. And I know Mr. Brown, attorney for the Hillmead, has raised some
34 questions. Could you speak to what the Master Plan says about the issue that is facing
35 us?

36
37 Marlene Michaelson,
38 Now the Master Plan has comments on both on shortage of parkland and on shortage
39 of special needs housing in the area, and in both cases suggests where there are
40 opportunities that they be pursued with, you know, general language, indicating where
41 there are opportunities to use public land for affordable housing that should be sought.
42 And also on parkland where there are opportunities to find other parkland that should be
43 pursued. So in terms of the Master Plan, there is no specific comment about this



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1 particular property, but general language that would indicate that either public purpose
2 would be consistent with the Master Plan.

3
4 Councilmember Floreen,
5 Okay. Thank you. And, Mr. Nelson, I had a question for you. It's a simple one.

6
7 President Knapp,
8 They're the most dangerous.

9
10 Councilmember Floreen,
11 No. Is there a need for this house to be used for a special needs housing?

12
13 Rick Nelson,
14 I'm Rick Nelson, Director of Housing and Community Affairs. Yes, there's a need for this
15 house and many other houses in the County to be used for special needs housing for
16 homeless. We have a pressing need for those throughout the County, and we continue
17 to look for those kinds of resources.

18
19 Councilmember Floreen,
20 Thank you.

21
22 Councilmember Berliner,
23 Can I ask for clarification, Council President.

24
25 President Knapp,
26 Councilmember Berliner.

27
28 Councilmember Floreen,
29 I have a lot to say, yes.

30
31 Councilmember Berliner,
32 Just for clarification, Mr. Nelson. The County Executive has not made a
33 recommendation with respect to using this house for special needs housing, has it?

34
35 Rick Nelson,
36 The County Executive was not asked whether to purchase the property or not by the
37 Council. He, in fact, responded to the Council's request to pursue this property for
38 special needs housing. He reported to Park and Planning and the Council and is
39 awaiting the decision of the Council.

40
41 Councilmember Berliner,
42 And I'll repeat my question just so I can get a yes or no answer. Has the County
43 Executive made a recommendation as to whether or not to lease this home for special
44 needs housing?



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1
2 Rick Nelson,
3 The County Executive has not made a recommendation -- .

4
5 Councilmember Berliner,
6 Thank you.

7
8 Rick Nelson,
9 To the County Council to lease the home or not to lease the home. The County
10 Executive does have opinions on the issue.

11
12 President Knapp,
13 Councilmember Floreen retains the floor.

14
15 Councilmember Floreen,
16 I might note, we haven't asked. I want to say a couple of things, particularly to the
17 community. I think it's wrong to suggest that this is about picking sides. And I think it's
18 wrong to suggest that this is about racism. And I think it's wrong to suggest that this is
19 about maligning people taking positions about their views about community. So I think
20 that's important, and I think it's regrettable that really -- I think a lot of the conversation
21 or language used here has gone far beyond where this Council should be. So please
22 accept my apologies for that. But the best thing about this job is that we have an actual
23 opportunity to do something, to follow through on policy, to see speeches, hopes and
24 dreams, and staff reports actually become real. Local government -- and this what I say
25 to everybody when I go out and speak -- it's where the rubber hits the road. It's where
26 the words of Congress or the state legislature gets translated into action. And it's about
27 community. How do we keep communities vibrant? How do we help them grow in the
28 right direction? And how do we help them accept change? How do we apply policy and
29 make it responsive to our residents' needs? How do we listen and form a compromise
30 between competing visions? When this issue first came to us, at least, last fall -- I'm a
31 member of the PHED Committee; Mrs. Praisner and I both looked at the price tag, \$2.5
32 million, and we said whoa, that's a lot of money for one acres of parkland. We were just
33 starting to get into our fiscal challenges, as you know we just finished all that up. And
34 we were well aware of the likelihood of budget problems this year. And so we were
35 really concerned about the fiscal implications of such a purchase. But the County had
36 just gotten \$30 million in reimbursement for land used for ICC, and it seemed fair,
37 frankly, to spread it around. It still was a big price tag. But it was land in Bethesda. It's
38 expensive there. It fell out of park and it would avoid the inclusion of four really big
39 homes right in the middle of parkland. Hearing there was a home on it, we said, let's
40 think about our other public policies as well. This is a lot of money just to spend for one
41 acre of land. And I think that's my job. It's our job. There's been a lot of concern about
42 this process and transparency. People say it hasn't been clear. And I really regret they
43 feel this way. I don't know if anyone promised anything to individuals in the community,
44 but there really can't be any question that since it came to us that folks have been pretty



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1 well, I think, completely informed about every step of this effort since it came to this
2 PHED Committee, at least, eight months ago. I don't know, but as far as I can tell a use
3 for the house really didn't come up from the Park's perspective. Of course, I mean their
4 job is parks. That's their point. That's their mission, and that's their purpose. And that, of
5 course, is how the conversation evolved. I'm sure. Their job isn't to worry about all the
6 possibilities, although I suspect after this they will. But our job here at the Council is to
7 establish and implement policy. And we really do have a stated goal to preserve
8 affordable housing. We have a document called Montgomery County, the place to call
9 home. A safe decent and affordable home is the cornerstone for a full normal life. A
10 neighborhood is a -- and I'm reading from it. A neighborhood is the basic unit of
11 community in which a family can grow and flourish. The vision for Montgomery County
12 is for all its residents to have decent housing in sound neighborhoods. The housing
13 policy of Montgomery County is a commitment to certain principles reflecting who we
14 are and what we stand for as a community. And I command everyone's attention to that.
15 It's on the County website. It's a 2001 document. And as I listen to these exchanges and
16 these conversations and certainly some of the emails we've gotten, I realize what bad
17 job we've done of communicating what this Council has classically fought for and stood
18 for in terms of housing policy. As Linda and Marlene's report has indicated, this Council,
19 and at least some of us have made it a priority to consider our housing needs in all our
20 county-owned land; since 2002, certainly, since I've been here. We require affordable
21 housing on all major developments. Several years ago we added a requirement for
22 workforce housing. And that is why we asked the question whether this home was
23 suitable for retention when we agreed to swallow the price tag here and purchase the
24 land or parkland. As I understand it, what's before us is consistent, as Marlene said,
25 with the Bethesda area Master Plan. And I have to say if the Council had not acquired
26 the Hillmead Park property, the neighborhood would be facing now probably if the
27 market hadn't gone the way it was -- has so far, four new, probably pretty gargantuan
28 homes. Trees would have to be removed and pervious surfaces would be laid down.
29 Now, before families -- nothing wrong with that, cars, children, and relatives might be
30 there today. Our tax base would be larger. That would help a little bit. But the neighbors'
31 desire for continuation of the green space as property had reflected when they moved in
32 would be undercut. I respect that. I really do commend the Park's Department for seeing
33 this as a great opportunity for expanding the Hillmead local park. And I really do
34 continue to support it. I did go out there. I walked around. I went on my own. There was
35 no one else there. It's a lovely, lovely place, and you're lucky to have that in your
36 community. But we here, I think, also have an obligation to consider our obligation to the
37 greater community here; especially when we have a structure available. County has
38 determined that this home is usable with a little work, and this could help us with what
39 you all need to know is a real housing crisis that we are dealing with today and every
40 day. George has referred to some of the facts. We've done some more research
41 ourselves. Do you know that there are over 20,000 families in Montgomery County on
42 waiting lists for a housing assistance of one sort or another? Someone emailed me to
43 say there are at least 150 families with children who are currently, this moment in time,
44 homeless in the County. We have a responsibility to help these people. Between 2005



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1 and 2006 more than 280 entered the homeless system. More than 1300 individuals
2 entered the system then. At the present time we have 21 families in motels; 23 adults
3 and 53 children. I don't know how those families are managing. I really do think we have
4 a moral responsibility to these folks, as well as to the financially secure who have
5 homes in existing communities, and that applies to every one of us in this room, I think. I
6 had an interesting conversation with a staff person several weeks who said, you know,
7 why go against a community's desire here? This is just one piece of property. It's a drop
8 in the bucket. Stick with the big picture. Don't get hung up on the trees here. And I have
9 say, the reason I went to this job is because I think this is what local government is all
10 about. It's about paying attention to the small stuff, the elements of community. Folks at
11 the other levels of government can make housing policy a priority, but they don't build it.
12 We do, within communities and within neighborhoods. We already have special needs
13 housing throughout the community. And what's proposed here is no different from what
14 the County has been working on for years within our borders. Right now there are 277
15 beds in group homes with some supervision in the County, and 2257 beds in over 400
16 group homes scattered throughout the County to serve those needing substantial
17 supervision. All of these various programs are serving folks with minor to intense
18 development -- developmental issues. But already there are -- already 400 -- more than
19 400 group homes. Last fall the department purchased a building in on Dale Drive in
20 Silver Spring with special needs housing. There's a special needs house next to the
21 Silver Spring Library located on Parkland. We -- in total we have six group homes and
22 park houses on park property. Over 500 formerly homeless families and 260 individuals
23 are currently housed in scattered shelters in the County. In addition, there are 340 beds
24 for families and 220 beds for individuals in what's known as transitional housing. And
25 you know what? I doubt that any community knows that these folks are there, by and
26 large. These are small facilities. They're everywhere. They're part of our community.
27 This is what Montgomery is all about. The need I think is extraordinary. We just don't
28 have enough room for helping these people. And I think this is a rare opportunity to use
29 taxpayer money to achieve a multiplicity of goals. This is a lovely property. We're not
30 proposing to change anything. I'm a land-use attorney. I represented lots of
31 neighborhoods in opposition to stuff. But typically it's change. This isn't change. We're
32 going to insure to the community that the primary long-term use will be protected
33 parklands. This is a great thing. Our acquisition provides the assurance that we retain a
34 green space, reducing impervious surface activity, and protecting the trees. This is not a
35 knockdown or part of the ongoing mansionization effort that's so upsetting so many
36 folks. But it seems to me there's ample room on this property to add play areas or picnic
37 tables if that is what the plan for this land is. It's not all dedicated to this home. It's a
38 home. The Hillmead Park already has a terrific tennis court. It has a basketball court
39 and a nice play area. It's pleasant. It's trimmed with trails for walking along the slopes of
40 the property. Apparently, an active sledding hill. What more could a community want?
41 The home is nicely situated. It's not on top of any neighbors. It's accessible from a pretty
42 busy road and yet it's set back. It really does fit the site well. The community is averting
43 the site for large new homes in all its intended comings and goings. From the neighbor's
44 perspective this really should be perceived as a tremendous win. From a housing



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1 perspective, we really have the opportunity to provide housing to individuals in need.
2 The house will stay the same. Its relationship to the community will not altar. I do cringe,
3 you know, when folks marginalize housing initiatives by saying it's just a drop in a
4 bucket. Well what is a bucket but a combination of many drops. And this is one of them.
5 Typically neighborhoods, of course, they understandably resist change. That's natural.
6 And that's classic and it's been a nice -- it's been a well-argued conversation that we
7 have been having about this use; but this isn't change. A heavily wooded property with a
8 home on it is going to stay a heavily wooded property with a home on it. Turned out
9 over to the County it's absolutely is going to require some kind of reimbursement for the
10 structure for the ALARF fund, but the land around it will remain a parkland, and the
11 home will remain a home. I think our job here is to connect the dots between needs and
12 possibilities, to find solutions that respect both. Here we're connecting a documented
13 community need for housing with a documented community commitment to green
14 space. What a great opportunity to satisfy both goals in this lovely neighborhood? We
15 really can make a difference for our supply of housing and our protected parklands, one
16 decision at a time. And I urge my colleagues to join me in supporting the resolution.

17
18 President Knapp,
19 Councilmember Elrich.

20
21 Councilmember Elrich,
22 Can I ask Mr. Hanson to come up?

23
24 President Knapp,
25 They're clapping before you speak, Marc. That's good.

26
27 Councilmember Elrich
28 Oh, I highly doubt that. How are you doing this fine afternoon?

29
30 Royce Hanson,
31 Well, I feel a little like the fellow who was tarred and feathered and ridden out of town on
32 a rail. And he was asked what he thought about it, and he said, well it wasn't for the
33 honorable thing, I just soon walked.

34
35 Councilmember Elrich,
36 We haven't even gotten to the tarring and feathering yet. And I prefer not to.

37
38 Royce Hanson,
39 If I could though.

40
41 Councilmember Elrich,
42 Yeah.

43
44 Royce Hanson,



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1 With your indulgence, just take a moment of personal privilege, because you made
2 some comments earlier about Neal Potter. And I probably had known Neal longer than
3 anyone on the Council at this point. And the only one thing I ever held against him and
4 that was he persuaded me to join the Planning Board back in 1971. He was probably
5 one of, if not the, most decent human beings that anyone had a privilege of knowing. He
6 worked harder than anybody I ever saw to try to reach just decisions. He had a capacity
7 that was not apparent at first, but -- which the public caught on to, I think, not long after
8 his service. And that was that he was just absolutely full of integrity. He was modest
9 about his accomplishments. And he really didn't have anything to be modest about. He
10 made a great contribution to this County and to the broader world because of his work
11 on international affairs. I just didn't want to come here on this day without making that
12 comment known.

13
14 President Knapp,
15 Thank you very much.

16
17 Councilmember Elrich,
18 I appreciate your comment. So Park and Planning requested that the Council approve
19 the purchase of this property with ALARF funds. I guess to be clear was the purpose of
20 the acquisition for active recreation or simply to preserve passive recreation?

21
22 Royce Hanson,
23 Well, we do not have a facility planned at this point for the park.

24
25 Councilmember Elrich,
26 Right.

27
28 Royce Hanson,
29 We did take a look when we were examining whether to acquire the property or
30 recommend its acquisition as to whether or not we thought the house would contribute
31 to the park. And it was our conclusion that it would not, and that therefore we
32 recommend its demolition. It is on the best location for making improvements to the park
33 without getting into problems on the slopes or the removal of trees and things of that
34 nature.

35
36 Councilmember Elrich,
37 So is it fair to say that, as I think Roger's characterized it, that you would have not
38 purchased this parcel had you thought the house was going to stay there?

39
40 Royce Hanson,
41 I think that's fair to say. We certainly would not have purchased it for parkland. And in
42 terms of the operation of a park, the house sits very close to the existing park, and is the
43 logical place for any kind of improvements, whether it's just a grassy area for passive



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1 recreation or whether it would ultimately be some additional equipment or a gazebo or
2 picnic area or something of that nature.

3
4 Councilmember Elrich,

5 And from talking to you, your sense was that if the house stayed a house, you would put
6 a fence around it to allow for -- .

7
8 Royce Hanson,

9 I think it would be very important in the memorandum that I sent to President Knapp. I
10 pointed out that if the house is used so that there's a clear demarcation between what's
11 the lawn for the property and what's park, a fence would probably be appropriate. That's
12 not to fence anybody in. It's basically to make sure that park employees know what it is
13 they are supposed to maintain and what anyone living in the house would be expected
14 to maintain. And I'm assuming that if we were to use the house at least as a park house
15 as with other houses, it would be rented on a month-to-month basis until such time as
16 we had a facility plan, which is what we normally do when we acquire property with a
17 house on it.

18
19 Councilmember Elrich,

20 Would you be able to rent the house on a month-to-month basis in its current condition?

21
22 Royce Hanson,

23 Well, I don't think so. But it would require -- you know, I think both our -- I believe our
24 estimate for putting it into a livable condition was a little bit less, but it was based on a
25 much more cursory examination than DHCA's examination was.

26
27 Councilmember Elrich,

28 Would you make that investment knowing that you were going to take down the house -
29 - with your intention to take down the house?

30
31 Royce Hanson,

32 I should not -- well, I don't know where we would get the money to make that
33 investment.

34
35 Councilmember Elrich,

36 Okay. I cringed over the price of this parcel also in the beginning. And I had a little -- I
37 had a somewhat different view. One of my concerns is -- and I have asked you this
38 question and I'll put it out here publicly. One of my interests was in looking at a way of
39 carving out one or two lots off the property, and -- off the front of the property towards
40 the residential street, and selling those lots to replenish ALARF, and then using that
41 money to go out and acquire additional affordable housing. And you've told me what?

42
43 Royce Hanson,



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1 That's not legal. The problem is -- and I think this is a little different than the issue that
2 you were discussing of whether or not it's desirable to use a property for any group or
3 family. The property was acquired with Advanced Land Acquisition Revolving Fund
4 money. The law requires that if that land is to be transferred to another agency that the
5 fund has to be reimbursed. Those funds -- we couldn't sell the land, for example, and
6 put the money to some purpose other than reimbursing the fund. To get to that step,
7 there's also a prerequisite step. And that is that the land having been acquired for a park
8 by resolution adopted five months ago, or six months ago, what it was; time flies.

9
10 Councilmember Elrich,
11 Whether you're having fun or not.

12
13 Royce Hanson,
14 The commission -- the land is titled in the commission, as all ALARF land is. The
15 commission would have to make a finding that the land is no longer needed for a public
16 purpose or for the purpose for which is acquired. I would have to tell you that that would
17 be a substantial stretch for me, and I think my colleagues to make to say to you a short
18 time ago we needed this land for a public park, and to say never mind. Even if we did
19 that, then whatever part of the land or all of the land to be transferred, the money would
20 first have to come back into ALARF.

21
22 Councilmember Elrich,
23 Am I correct in understanding that if the Council wanted to use ALARF funds for the
24 acquisition of other housing and or housing in general, as long as it's consistent with the
25 Master Plan?

26
27 Royce Hanson,
28 As long as it meets the requirements of ALARF that are recommended by the Master
29 Plan or shown on the Master Plan that -- and it's not in the CIP. We have acquired land
30 using ALARF funds for roads, for schools, for parks, for other kinds of public purposes,
31 and that is what it's for; any public construction agency. We can't acquire land for a
32 private organization. We can acquire land for a public construction organization.

33
34 Councilmember Elrich,
35 Okay. I just want to make a couple of general comments. Thank you very much for your
36 answers. I think, like Nancy, I'm not very happy about the tone of this discussion as it's
37 gone on over the past few weeks. And I've got to say looking at some of the -mails I get
38 on this, the arguments made based on not wanting people like this in the neighborhood
39 are not very persuasive; not persuasive at all. And not very appropriate, because you
40 can't argue that it's not okay in your neighborhood, and then tell me what neighborhood
41 it's okay in. And the people who have made those arguments need to understand that it
42 is absolutely impossible to argue that your neighborhood is somehow less suitable for
43 things than other neighborhoods are suitable for things. But I think to characterize the
44 community as only that is wrong. Because I have a bunch of emails from people saying,



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1 for example, why did you take \$3 million and acquire 4 of the \$600,000 houses in our
2 neighborhood and use them for affordable housing, and we'd have no problem with that.
3 So all the people who said constructive things that could be done, they have gotten
4 absolutely no publicity at all in this. And the only people who have been held up -- the
5 only people who have been held up are the poster children for intolerance. And that's
6 not a fair way to have this discussion. Now I was one of the cosponsors -- I voted with
7 George on the initial resolution. I had not made up my mind as to what could be done
8 with the property. My initial reaction, like I said, was we paid way too much for the
9 property. We ought to carve off a piece of it, like the house. And I originally thought
10 about carving out a 6,000 square foot lot around the house, selling it to somebody for
11 \$1.5 million, taking that money, putting it in the ALARF, and putting it out to some other
12 public use like acquiring more property. And affordable housing suits me just fine. No,
13 not someplace else, Valerie.

14
15 President Knapp,
16 Hold on.

17
18 Councilmember Elrich,
19 And I think that's a really an unfair characterization of what this thing is all about.

20
21 Councilmember Ervin,
22 [Inaudible].

23
24 Councilmember Elrich,
25 Actually, I didn't lay it out that way. So you want to carry this on mythical -- ?

26
27 President Knapp,
28 Okay.

29
30 Councilmember Elrich,
31 You may carry on this mythical debate.

32
33 President Knapp,
34 Mr. Elrich has the floor.

35
36 Councilmember Elrich,
37 Yes. I would have no problem -- I would've had no problem if this house had been on
38 the corner of a lot in retaining it, because if it had been on the corner of a lot it would
39 have absolutely no impact on the part of the land that's usable. And I would have said
40 keep this house and use it for affordable housing. If Mr. Nelson were to come to me and
41 say I want to use ALARF funds to acquire a \$600,000 house in this neighborhood, I'd
42 have absolutely no objection to that. And any of these arguments which have been
43 made on the most specious reasoning possible would carry absolutely no weight. I don't
44 think there's any reason not to put a family into a house if a house can be made



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1 available. The problem here is that we acquired this land, as I understand it, not just for
2 the acquisition of some extra additional green space, but for recreational purpose. The
3 intentional of using the flatland to expand some of the opportunities that were available
4 there, that you wouldn't have bought it if you didn't think you could do that. And when I
5 went and looked out at the property and looked at where a fence might go, what might
6 be left of what's flat and usable, I reached the conclusion that I cannot achieve both
7 purposes out of this land by using it as a house given the location of the house. And I
8 feel that since this Council set out to acquire it, and since the intention was not passive
9 but active recreational uses, it's seems to be very clear to me that's how Park and
10 Planning looked at this. I can't achieve both if I let this be used by a house. And where I
11 differ with Roger, I don't think the problem is whether this is an appropriate location for
12 special needs housing. I reached the conclusion that it was inappropriate for any
13 housing. It wasn't appropriate for my original idea of selling off the house and capturing
14 \$1.5 million and using the money some other way. When I looked at it, it didn't seem like
15 it's possible to use as a house and do the other things we told people we were going to
16 do with this lot. My opposition has absolutely nothing to do with the kind of small-minded
17 arguments that have been made here. Back when the County was considering the Dale
18 Drive decision and when it looked like that decision was getting ugly, I went to DHCA
19 and brought them property in my neighborhood and said you all look at these properties
20 here. These are properties you can acquire. I have no qualms about locating affordable
21 housing in my neighborhood or anybody else's neighborhood. And as I said, I'd have no
22 qualms if Mr. Nelson came back with a recommendation, and now that I know I can use
23 ALARF funds for these things, I will be offering amendments to Mr. Berliner's resolution
24 that allow us -- force us to begin looking actively at doing such things. It seems to me it
25 makes sense. And at the end of the day if they make recommendations for property like
26 that, I will support the use of property in this neighborhood or any other neighborhood in
27 Montgomery County. It makes absolutely no difference to me. I have a very hard time
28 listening to this being characterized as a watershed moment. Because I think most of us
29 on the Council are as immune to the kind of comments that were made -- the wrong
30 comments that are made about this as we were to some of the really in-tempered
31 comments that were made over the Domestic Worker Bill. And we hear these
32 arguments all the time. You hear the arguments, it doesn't make them persuasive. And I
33 think this Council will do the right thing when it adopts a policy and when it has
34 procedures that make sense, and we carry out systematically. I will point out that Ms.
35 Ervin referenced rising rents as a cause of people losing their homes. Mr. Leventhal
36 pointed out in his slide the number one cause of homelessness, lack of affordable
37 housing. You want a watershed immoral issue? I've offered this Council a rent-control
38 proposal. It wouldn't affect one family. It would affect thousands of families in
39 Montgomery County. That would protect the housing for thousands of people who are
40 being threatened and pushed out of that housing. From the supporters of this watershed
41 legislation I have not one comment in response to my proposal, and not an offer of a
42 second from anybody who thinks the watershed issue is whether or not I do one house
43 rather than the watershed issue is whether the County adopt a policy to preserve as
44 much affordable housing as possible. So I'm really having a really hard time -- I'm



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1 having a really hard time seeing this is a moral crisis. I think it's an unfortunate dilemma.
2 And I was open to any solution to when Mr. Leventhal made his original motion. That's
3 why I did not support Mr. Berliner, much to his dismay, or Mr. Andrews, because I was
4 still wanting to look at this thing to see what could be done with it. But I reached the
5 same conclusion that Park and Planning did, is that I can't do both. And if I told people I
6 was going to acquired as a particular kind of park for a particular kind of use, I think we
7 ought to do that. But I also think that Mr. Nelson -- how many houses -- Rick, can I ask
8 you a question?

9
10 President Knapp,
11 Please join us, again.

12
13 Councilmember Elrich,
14 How many houses have you guys bought in the last month -- single-family houses?

15
16 Rick Nelson,
17 I can't answer specifically. I believe it's been two.

18
19 Councilmember Elrich,
20 How much money do we have in the ALARF?

21
22 Unidentified,
23 Around 30 million.

24
25 Royce Hanson,
26 We have about 30 million, but just so there's not any misunderstanding. It's an Advance
27 Land Acquisition Fund. We would acquire the property in advance of it being in the CIP,
28 but when the agency has the money, it must reimburse ALARF.

29
30 Councilmember Elrich,
31 When it has the money.

32
33 Royce Hanson,
34 Well, we waited.

35
36 Councilmember Elrich,
37 We could debate.

38
39 Royce Hanson,
40 We waited 35 years for state highways.

41
42 Councilmember Elrich,
43 I figure this on flexibility when you have the money. My point is that if we want to
44 aggressively acquire property, we could begin aggressively acquiring property. If we



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1 want a policy that says we're going to acquire property in a variety of different
2 neighborhoods and the issue is going to be can we acquire the property and does it
3 serve the needs we have. That ought to be the simple decision that your department
4 makes. And giving the housing crisis and the number of units that are on the market, I
5 mean, I remember providing you the information from GCAR which said 750 units in
6 Montgomery County, I think 300 of them were below \$200,000 in value, and another
7 450 were below \$300,000 in value. It seems to me there are a ton of affordable housing
8 opportunities out there that this Council and this County could take if the County wanted
9 to do that. So I suggest that we actually think about a housing policy and do some
10 watershed actions and aggressively go out and pursue housing. But you need to look at
11 this on the merits of this particular case. And does this meet the purpose that we said
12 we were going to acquire it for? And if it doesn't meet that purpose, this is the wrong
13 house. I will say to Mr. Hanson that I know this Council has asked you for some policy
14 on your other park houses. And I know that you are not inclined to retain the housing on
15 the other park houses even though you have to pointed out correctly that you haven't
16 gone out and demolished any of them either. I think that a policy would be a good idea.
17 And I think from my point of view that unless you could demonstrate that a house on
18 park property actually interfered with the functioning of the park, I can imagine some
19 houses would impair the park function, but they should stay as houses, and that Park
20 and Planning should be willing to retain those houses as of this time unless there's a
21 reason that parks don't want to function that you do that.

22
23 Royce Hanson,

24 As I think was pointed out earlier, we have some 52 houses that are now rented largely
25 on a month-to-month basis. Now some have been rented for a long time on a month-to-
26 month basis. And we have some that are group homes. We have one that is a house for
27 homeless people. We have others that are used for various kinds of group homes. So
28 historically and, in fact, this is a policy begun informally back when I was Chairman in
29 the '70s of using park homes, park houses that we had acquired for various folks that
30 were in need. One of the first was actually across the street from our regional office in
31 Silver Spring when we acquired that park. Now eventually it began -- time came to
32 develop the park we removed the house, because we needed to use that land for the
33 parking. But we do have a written policy on this which has been enforced since the mid
34 '80s or early '80s.

35
36 Rick Nelson,
37 Mr. Knapp -- .

38
39 Councilmember Elrich,
40 Rick, do you have a -- ?

41
42 Rick Nelson,
43 Yeah, and I just wanted to make a comment in response to your question. The fact is
44 that DHCA is currently in negotiation for the purchase of over 200 units, albeit most of



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1 them are multifamily. We also have a consultant out looking at foreclosed properties for
2 the possibility of some units. We have also concluded recently negotiations with a
3 current owner to maintain the affordability of some units. So we are still actively doing
4 what we are supposed to do, and that is trying to increase and preserve the affordable
5 housing in the County. All of that doesn't suggest that we wouldn't take advantage of
6 other opportunities and/or requests from the Council as we did in this case, to pursue
7 this one house. So, we are a multifunctional department, and we are carrying out those
8 duties.

9
10 Councilmember Elrich,

11 I think it's important though to look beyond the multifamily properties because of
12 concentration to where the multifamily properties are. It's going to be very difficult to
13 achieve any dispersal of affordable housing through the County if that's where the focus
14 is. It's certainly much more difficult to do it that way. And I think we do need to look at an
15 acquisition of single family homes in a variety of different neighborhoods. And I hope
16 that you will do that.

17
18 Rick Nelson,
19 We are doing that.

20
21 Councilmember Elrich,

22 I just want to make clear for all the talk about the Council giving in to the nimbies and
23 the most banal arguments that were raised here, I have absolutely no interest in those
24 kinds of arguments. This is an issue of whether this serves the purpose that we told
25 people we were acquiring the park for. And if I could have done both, I would have done
26 both. But I don't believe I can.

27
28 President Knapp,
29 Councilmember Ervin and then Councilmember Trachtenberg. Okay. Councilmember
30 Trachtenberg.

31
32 Councilmember Trachtenberg,

33 Thank you, President Knapp. I'm going to be belief in my remarks. This afternoon's
34 exercise, in my mind, is very much a confirmation of why this Council and really the
35 Executive Branch in collaboration need to develop a clear policy on affordable housing.
36 And I know we're working on that. But in my mind that policy really needs to address the
37 process that we need to develop around the use of public property, and this is a classic
38 example of what we need to do around process. I'm not sure what it should be entirely,
39 but it's clear to me we don't really have one in place that works. We also need to
40 develop an inventory of possible housing sites. Again, I know this is something that
41 we're developing currently. And we need to be looking at foreclosed property as part of
42 the solution. But in my mind, we also need to be developing policy around the funding of
43 that as well. And I know all of this is ongoing, but we're not talking about broad policy,
44 we're talking about the use of one house on one parcel of land in District One,



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1 Bethesda, actually where I live. This exercise also underscores the polarizing nature of
2 this toxic conversation on class and race. And I really regret having to say that. But I
3 feel so strongly about it given the phone calls that I have received in the months -- in the
4 past few months, the emails. That conversation divides us as a Council, but it really
5 divides the community. And mark my words, if we're going to allow that conversation to
6 dominate what we do today, and every other day, we're never going to develop a
7 comprehensive policy on affordable housing. And I feel someone needs to say that.
8 There is not one single Councilmember on this dais who has no interest in addressing
9 the vital housing needs of our community. We all know there's an urgent need and it's
10 only growing. There's not one Councilmember on this dais who doesn't appreciate the
11 leadership that we have to all provide to make some very hard decisions. Decisions that
12 sometimes please some but displease others. And this is again another classic example
13 of that. I personally have been a long-term advocate for the housing needs of the
14 vulnerable, primarily through the work that I've done in the community as a counselor,
15 as the clinical social worker. But I'm also an advocate. I had been for years because of
16 the needs of my son. And many of you know that I have a child who has mental illness,
17 and actually one who is fortunate enough for about a year and a half to live in a group
18 home, not in District One, up in District Two. But I also have to say that for many years,
19 I've been frustrated over the lack of a transparent process that exists in terms of
20 developing community projects, because I believe all too often the community is only
21 engaged when the critical decisions have already been made by a few. And I'm of the
22 firm belief that communities must be engaged early and often for the best decisions to
23 be made. And that's not to say that this Council and this County Government and this
24 County Executive haven't made fine decisions about this. But what I want to suggest to
25 my colleagues this afternoon is that despite the turmoil, despite the toxic language,
26 despite the challenge, this is an opportunity very much indeed this afternoon to start the
27 process of reforming the process and establishing a policy on the development of
28 affordable housing where we really can establish a shared vision around it and a
29 tangible set of policy objectives. I'm actually not going to support Councilmember
30 Leventhal's resolution. And I've spent the last few months thinking am I going to support
31 George or am I going to support Roger? And I have to say that, for me, my decision was
32 made in the last week. And it was made because of the fire storm that has occurred
33 over this one parcel and this one community. And we cannot allow ourselves, I do not
34 believe as a body, and I don't believe as a public official, to be allowing a community
35 and one project to be defining how we conduct ourselves, how we make decisions, and
36 what our policy is. The needs are great. One house in Hillmead for a homeless family is
37 not going to make that much of a difference. There are hundreds of beds and homes
38 and group home placements that we offer through the County. We already heard that
39 the largest family shelter is in District One. I would not be surprised if I found out that a
40 majority of group home beds and placements are in District One. For all the years that
41 I've worked in the area of mental illness, I know that majority of homes are down county,
42 and it wouldn't surprise me if most of them were in District One. And I think that's an
43 important thing to again underscore, because I do believe the district that I live in has
44 been vilified to some degree. And I don't think that's fair at all. I hope that we can come



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1 to a collegial decision this afternoon on how best to move forward. But I wanted to make
2 it clear why I was motivated to take the position that I'm taking. And at this time what I
3 would like to see us do is simply seize the opportunity this afternoon and move forward
4 and establish a policy, and not allow a polarizing debate to continue, because no one
5 will benefit from it.

6
7 President Knapp,
8 Councilmember Praisner.

9
10 Councilmember Praisner,
11 This is first issue I've had a chance to vote on. I want to thank the Council for making it
12 so easy for me. I was appalled at the language in the communications from the
13 Hillmead residents. That was strictly uncalled for [inaudible] friends and supporters. I
14 was equally unhappy to get a letter from a lawyer telling me that I could be sued, or the
15 Council could be sued, if I don't vote the right way. That does not win any supporters.
16 This is a very complex issue; a very difficult issue. And I considered almost to flip a coin
17 and say, I'll go this way or that way, because there are many compelling reasons to do
18 both. My colleague, Mr. Leventhal, put forth a very passionate statement in support of
19 keeping the house and using the housing for affordable housing. I disagree with many
20 of his conclusions. One of the main ones is the process. To me process is very, very
21 important. And to change a policy in the middle of the stream is a disservice to the
22 residents of this County. I think they are entitled to know just what the situation is and
23 go through it step by step. To jump in at the last moment and say we're going to change
24 our mind and do something differently is not the way we should operate. I don't have a
25 prepared statement, so I'm going to keep my comments very short, and that's basically
26 about all I have to say. But I can go on and reiterate some of the things that my other
27 colleagues have said in opposition to the proposal. But I think I've said it very eloquently
28 and I'll let it rest with that. Thank you.

29
30 President Knapp,
31 Thank you. I actually had a couple of questions. And we kind of alluded to it a little bit as
32 it relates to the number of homes that we've actually -- or the number of facilities we've
33 demolished in parkland. You identified the one across from the Park and Planning
34 headquarters.

35
36 Royce Hanson,
37 I really don't have any idea of how many have been demolished. I know, for instance,
38 many -- again, as you know I wasn't doing this job for almost 30 years. I do know, for
39 instance, that the East Bethesda Park was acquired back in the '70s and there was a
40 whole block of homes there that eventually were demolished. We have, again, as I think
41 I've mentioned to the Council, we don't really go out to buy houses. We're buying
42 parkland. And we generally buy parkland that is identified on Master Plans or is an
43 extension of an existing park. You have a couple of proposals for you later this after to
44 be introduced in Paint Branch where we're buying land that adds on to and protects that



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1 watershed, because it became available. We have demolished a good number of
2 houses. We've kept, at this point, about 70 in the park system. All of the single family
3 houses that we have that are habitable -- .

4
5 President Knapp,
6 Are habited.

7
8 Royce Hanson,
9 We rent with first priority to our park employees and secondly to County employees.
10 And then if we have no commission or County employee who is interested, we do make
11 them available to the general public. Most of them are what certainly would fall into the
12 category of affordable housing. And then, as I said, we got some large houses that are
13 group homes.

14
15 President Knapp,
16 But many of our parks actually have facilities on them and had them on them when we
17 acquired them.

18
19 Royce Hanson,
20 That's correct.

21
22 President Knapp,
23 And so while we don't go out to buy housing, we certainly go out to acquire land, much
24 of which has facilities that already exist.

25
26 Royce Hanson,
27 And in some cases we'll, you know, the classic case is probably Jessup Blair Park
28 where the park house there is a historic house. But it is being used right now to house a
29 group that is in need, and has been for some time. It's had different tenants over the
30 years. I think there was an autistic group that was there at one time, and now it is a
31 family.

32
33 President Knapp,
34 If we were to approve Councilmember Leventhal's resolution and it were to be used --
35 the home were to be used for some type of housing, would that preclude us from ever
36 doing anything to expand that park since it is a County asset?

37
38 Royce Hanson,
39 Well, basically what we would do, I suppose, is to rent the house, if someone's
40 agreeable to it, on a month-to-month basis until we had a plan for -- under Mr.
41 Leventhal's resolution, I assume that presumes that the house would be made
42 permanently available. So it would essentially -- .

43
44 President Knapp,



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1 It could be. I mean, but that would be an action potentially of the Council, so that as we -
2 - I've heard numerous of my colleagues say today that we're going to have -- we're
3 going to address affordable housing. So if we actually do this well, and we may not
4 necessarily want to use that facility, certainly it continues to be a County asset that the
5 County could then continue to expand and use for a park.

6
7 Royce Hanson,

8 Well, what I think we would want to do is to look at the park houses we have. There are
9 some that I know we plan eventually to demolish because they are needed for the
10 development of a park. There are others that probably we don't expect to demolish.
11 They would be used either for a park office of one kind or another, or if we don't need
12 them for that purpose and they don't interfere with the functioning of the park, they
13 certainly could be rented. We have a lot of houses that are in this category.

14
15 President Knapp,

16 When we went through the chronology, Ms. McMillan, you talked about -- I guess there
17 has been discussion about the process and that somehow we did something different;
18 we said it was going to be a park and then we switched. And, in fact, if I remember the
19 discussion that we had back in the fall during the course of discussion, we talked about
20 the acquisition for parkland, but in the course of that resolution, we identified that there
21 may be alternative uses on that site; and so we articulated that at the outset when we
22 had this discussion. So there was nothing that we did differently. We talked about the
23 parkland then we talked about the possibility of using the home. And so that was an
24 option that was on the table as we proceeded through our discussion; is that correct?

25
26 Linda McMillan,

27 Yes, I would say in this instance it was very close together. And in some of these other
28 instances, the parkland was acquired and the assets just continued to be used. And
29 then eventually, in some cases, other tenants came in. But in this case it was just very
30 close together.

31
32 President Knapp,

33 Okay. I don't have any particular prepared remarks. I have some observations that I
34 would just like to put out there. A number of my colleagues have said that they would be
35 interested in focusing on affordable housing. And that's good, because I believe there
36 will be a number of options that we will be introducing during the course of this summer
37 that will give us that opportunity. I think we need to. I think we have an affordable
38 housing policy in many respects. We have a moderately priced dwelling unit program.
39 We have a workforce housing program. We have voucher programs. We have a
40 number of things. We just put \$54 million in the Housing Initiatives Fund when we did
41 the budget. We have a housing program -- an affordable housing program that I think
42 needs to be bolstered, and we need to be doing more. But I think we have that program
43 and I think we will spend a lot of time focusing on it this summer. We also, when I was
44 first elected five years ago, we articulated the need to look at public facilities. If I



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1 remember correctly, we actually done an inventory of what exists as it relates to public
2 lands and other facilities that can be used, so we can easily get that information and put
3 that out for broader consumption, and I think that we should. Affordable housing is a
4 hot-button issue. I don't know that it is a watershed issue. I think this discussion is
5 unique in that we are having it. I have some maps I'm going to hand out to my
6 colleagues here. This shows the number of HOC-managed units and voucher units;
7 and it also shows the number of scatter-site units that we have throughout the County.
8 We have over 7300 of them. And most of them, if not all of them, were put into
9 neighborhoods or purchased by HOC without any discussion with neighbors; 7300 of
10 them. There was no discussion. Had we had a discussion, rest assured it would have
11 been very similar to the one we have been having for all kinds of reasons and all kinds
12 of good and bad perceptions. And in the time I've been here, because if you look at the
13 map I just gave you, much of what is there actually resides in my district. I have had lots
14 of opportunities to referee discussions between projects and properties and home
15 owners. I have had some places where we have had an inordinate amount of affordable
16 housing policies that were not adhered to. And there was too much housing in certain
17 neighborhoods, which created problems. Place where the affordable units were built at
18 the end of a development, and guess what, the neighbors didn't want to see the
19 affordable units built. And so it took a year of debate to actually figure out how it would
20 be done, but the affordable units were ultimately built. But I think it is important to
21 recognize that the reason this is different is because we are talking about it. Much of
22 what takes place everywhere else just happens. And so I think that this neighborhood
23 should be pleased that you have been able to at least have the debate. I think many
24 other neighborhoods in our County would love to have had the debate and have not had
25 the opportunity. And so I think that is important. The interesting thing to me is when you
26 look at the dispersal of the various number of units that exist, I have tried to identify just
27 some places. And this is not good; this is not bad. But if you look at the map, basically
28 the affordable units that exist are clustered around Wheaton, Silver Spring and Aspen
29 Hill, Gaithersburg, Montgomery Village and Germantown. And if you look at comparably
30 sized zip codes, I believe this property is in 20817; and if you look at comparably sized
31 zip code, I think, 20817, if you look at scattered units and vouchers, 20817 has roughly
32 65 units. A comparably sized zip code in Silver Spring has -- 20910 has 700. And if you
33 look at one in Germantown -- pardon? Sorry. If you look in Germantown, 20874, or part
34 of the smaller one, you're looking at nearly 1200. So just to kind of look at comparison.
35 If you look at all HOC-managed units in a similar comparison you are looking at 237 in
36 the 20817 zip code compared to 1200 in 20874 and a thousand in 20910. And that's
37 just a reality of what we have. We have a lot of housing some places. We don't have as
38 much other places. And I think that we need to understand that as we continued to
39 focus on affordable housing a lot of those communities that don't have as much are
40 going to have to -- will necessarily have more as we continue to have this discussion, as
41 we look at infield development, as we look at the urbanization of our County. And we're
42 going to have to come up with ways to make sure that we have more affordable units
43 throughout the entire County. And that's not necessarily the situation we have right now.
44 I certainly understand the perspectives of the community. Most of the people I represent



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1 would love to have another park next door, and would love to have -- if they have a
2 park, would love to see their park expanded. I can't talk to a person that wouldn't.
3 Sometimes we have competing policy interests. If we purchase a parcel and it looks like
4 it would be good for a park, and we know we want to focus on housing during a difficult
5 time, which is what we have right now, housing could trump the park. It still continues to
6 be a County asset. And I that's certainly a decision that we can make and we can revisit
7 that if things get better, we make a dramatic policy shift. And so as I look at what we
8 have before us; was the process great? No. Is the process ever great? Rarely. It is
9 difficult to make sure that everybody gets what they want all of the time. Do we need to
10 address housing? Undoubtedly. Is it one house? Yeah, it is. It's only one, and we'll have
11 another one that will come up next month. Mr. Nelson talked about the two they
12 purchased during the course of this month. I'm sure there will be any number of more
13 that we'll purchase the next month. And if we talk to the neighbors, they would just soon
14 not have them there. It's one at a time. That's how we do it. And that's going to be the
15 challenge that we'll continue to have. If we were to have this debate all the time in each
16 neighborhood, we wouldn't have any. And that's just the reality of the work in front,
17 because we wouldn't have time to be able to actually purchase the housing and get
18 families into the units. And so the challenge that we have is to try to have this
19 discussion in a way that recognizes the concerns that have been raised, but also
20 recognize the policy decisions we have to make in front of us. We put \$54 million in our
21 Housing Initiatives Fund because we believed that it is important to address affordable
22 housing. That's just what we have. I mean, this Council voted 8 to nothing in our budget
23 to do that. And I find it troubling that when two after weeks after we vote -- we approve
24 our budget, when we have an opportunity to look at a way to address not housing on a
25 broad scale, but on a case-by-case basis, that people are starting to go in a different
26 direction. And I am pleased to hear the number of my colleagues who have saying they
27 really want to focus on this, because we'll get the opportunity. We will have a number of
28 options during the course of the summer and into the fall. And so I just think it's
29 important for us -- it's not watershed, it's an important issue. It's an important issue
30 every week. Is this one watershed? It is for the family that may or may not be able to be
31 in the house. Is it a hot-button issue? Undoubtedly, yes. And it will continue to be. But
32 because it's a hot-button issue, because it's an important issue, we have to be able to
33 have it. And I think it's important for us to have in a frank, open, honest way, and
34 recognize that people aren't always going to be happy with where we end up. But I think
35 it's important as we look at this that housing is one of the most important policies that
36 we need to address right now. We have an opportunity to do it in this one house, and I
37 think we should act upon it. And I will support Councilmember Leventhal's resolution.
38 And so for those who weren't keeping track, I think it's pretty close. But we will now
39 vote. I see no further comment on Councilmember Leventhal's resolution. So all in
40 support of that, seeing no further discussion, please indicate by raising your hand.
41 Councilmember Leventhal, Councilmember Ervin, Councilmember Floreen, and myself.
42 Those opposed to the resolution -- Councilmember Berliner, Council Vice President
43 Andrews, Councilmember Elrich, Councilmember Praisner and Councilmember



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1 Trachtenberg. The resolution is defeated by a vote of 5-4. We now have before us
2 Councilmember Berliner's resolution, which goes in the opposite direction.

3
4 Councilmember Berliner,

5 Thank you, Council President. I do have an amendment, and I believe there will be
6 another amendment that's offered to the resolution. The amendment is, as I suggested
7 in my opening comments an hour or whatever ago, that to try and move us forward to a
8 slightly better process, as Councilmember Praisner alluded to, so that we get this issue
9 done at the front end of the process. It's really a very straightforward amendment that
10 says, basically, that -- that when Park and Planning is, in fact, contemplating the
11 purchase of property that has an existing structure on it that it will, in consultation with
12 the relevant executive agencies, determine whether or not that property can be used for
13 other public purposes, and if so, whether it is compatible with the purchase of the
14 property as a park. And that that recommendation would come to the Council at that
15 beginning stage of the process. So I believe I've worked with staff, if Marlene would
16 care to comment with respect to that, I'd be grateful for any observations you have.

17
18 Marlene Michaelson,

19 I guess the only observation I'd make is that in this particular situation, the discussion
20 about the use of the building did not occur until it got to the Council. And as I see the
21 amendment, it would ensure that as the Planning Board is discussing it that examination
22 occurs earlier in the process. And I think that would be useful.

23
24 Councilmember Berliner,

25 My hope is that this is non-controversial amendment that we could all adopt as an
26 amendment to my resolution.

27
28 President Knapp,

29 Councilmember Floreen. Well actually, first, we have a motion. Is there second to the
30 motion?

31
32 Councilmember Elrich,

33 Second.

34
35 President Knapp,

36 Okay, seconded by Councilmember Elrich. Councilmember Floreen.

37
38 Councilmember Floreen,

39 Thank you. Well, we've heard a lot of talk about the activity -- everyone's interest in this.
40 This is a good thing. Moving forward on housing policy, that is good. Improving process,
41 that is excellent. But we've also heard that Parks Department has a large store of
42 properties that have a variety of interim uses on them until they move to further action to
43 expand parks, to find money for new equipment, planning and the like. So based on
44 that, I had a thought of to take advantage of that opportunity; and I'd propose some



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1 additional language -- I'm looking at circle 4 is Mr. Berliner's resolution action item. And
2 what I'd propose is the end of the first sentence to add the following words. And I have
3 not written this in consultation with staff or anyone, so bear with me. I would add the
4 language; however until a development plan has been approved and funded for
5 Hillmead Park, the house should be made available for public use. And that would allow
6 some discretion, some conversations, a temporary solution until the plan is resolved for
7 the use of the park. It could involve more community engagement. We've heard a lot of
8 commentary on potential uses that could occur here. And that would be at least a step
9 to recognizing that there are needs out there that this could satisfy, at least on a
10 temporary basis. So my language was to add -- to not eliminate any language, but to
11 add the language at the end of the first sentence: however, until a development plan for
12 Hillmead Park has been approved and funded, the house should be made available for
13 public use.

14
15 Councilmember Berliner,
16 Council President, if I could.

17
18 President Knapp,
19 Okay, let's hold off for just one second [inaudible] motion before us.

20
21 Councilmember Berliner,
22 Just a point of parliamentary order if I could.

23
24 President Knapp,
25 Yes.

26
27 Councilmember Berliner,
28 I would submit to the Council President that I do not consider this to be a quote friendly
29 amendment to my amendment.

30
31 Councilmember Floreen,
32 I understand.

33
34 Councilmember Berliner,
35 I know that that comes as a shock to my colleague. So I would appreciate if we could
36 resolve my amendment and then -- .

37
38 Councilmember Floreen,
39 I thought that was a given.

40
41 President Knapp,
42 We've got the motion that you've provided before us as it relates to the process by
43 which, I guess, Park and Planning would look at this.



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1 Councilmember Berliner,
2 Unless there's objection with respect to my amendment, I would like to dispose of that.
3 And then we can turn to other amendments. I know Councilmember Elrich, among
4 others, has amendments as well.

5
6 President Knapp,
7 I had a question for the Chair of the Planning Board and for our staff just to see what
8 would -- what would this process do differently as proposed by Councilmember Berliner.
9 What would it do differently that you don't already do? And what would that potentially
10 do to the process of the acquisition of any potential park plans?

11
12 Royce Hanson,
13 Well, I think you have to look at the -- I am just trying to sort through the motion here.

14
15 President Knapp,
16 For the benefit of the Planning Board Chair if you would restate your -- .

17
18 Councilmember Floreen,
19 Do you have copies of that?

20
21 Councilmember Berliner,
22 He has a copy in front of him.

23
24 Royce Hanson,
25 The first sentence -- .

26
27 Councilmember Floreen,
28 Do you have copies we could have?

29
30 Councilmember Berliner,
31 They've been passed out.

32
33 President Knapp,
34 They have?

35
36 Councilmember Floreen,
37 Not to -- .

38
39 Royce Hanson,
40 The first sentence says that the house may be demolished at a time to be determined
41 by the commission. And then it would say, but however it would have to be made
42 available until there was a -- .

43
44 President Knapp,



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1 Hold on. That is why I wanted to restate the amendment that Mr. Berliner just raised.

2
3 Royce Hanson,
4 Oh, Mr. Berliner's.

5
6 President Knapp,
7 Do we have addition -- .

8
9 Councilmember Berliner,
10 [Inaudible].

11
12 President Knapp,
13 Now, now, let's not disparage each other's amendments just yet. Let's actually get them
14 on the floor first.

15
16 Councilmember Floreen,
17 Do we have copies of them?

18
19 President Knapp,
20 Do we have language? Do we actually have copies of the amendment?

21
22 Councilmember Berliner,
23 Yes, I do.

24
25 Councilmember Trachtenberg,
26 Yes.

27
28 Councilmember Berliner,
29 [Inaudible].

30
31 President Knapp,
32 Okay.

33
34 Unidentified,
35 I don't think everybody has a copy.

36
37 Royce Hanson,
38 There is just one clarification.

39
40 President Knapp,
41 So let me -- for the benefit of everyone that is paying attention. Councilmember
42 Berliner's amendment reads, prior to the acquisition of parkland through the use of
43 ALARF funds the Department of Parks shall assess, in collaboration with executive
44 agencies, whether existing structures on the land to be purchased, if any, could be used



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1 in a cost-effective manner to support other important public purposes, and if such use
2 would be compatible with the acquisition of the land for parkland. This assessment and
3 any related recommendations from the Planning Board and executive agencies should
4 be submitted to the Council at the same time the request for ALARF funding is
5 submitted. That is what we have before us right now.

6
7 Royce Hanson,

8 I think that's feasible, because the only time that we would bring this before the Council,
9 which requires Council approval, is if we are using ALARF funds. Now the only possible
10 glitch that I see here is if the -- is in the acquisition for parkland. So we are marking a
11 determination, at least the commission is making a determination that we want it for
12 parkland. If there's a structure on it that could be used by another agency, I think the
13 question is whether we would exclude the meets and bounds from what we're proposing
14 to acquire for parkland if the idea is that we're supposed to acquire that for the other
15 agency. If we're acquiring it for parkland, but don't want to use it -- don't want to use the
16 land under it for some period of time, I don't see any particular problem with it, because
17 it could be made available to another agency on a month-to-month short-term lease
18 until such time as we're ready to develop the park.

19
20 President Knapp,

21 I'll turn to our staff and just see what -- .

22
23 Marlene Michaelson,

24 I think the only thing that I see there that is different, I believe, that the park system,
25 whenever they acquire property, they are making assessment of what is there. And this
26 specifically says that they will consult with executive agencies. And so I think that
27 consultation will enable them to get the feedback whether there is any executive agency
28 which could contemplate using the property. So that's the difference I see, and I think
29 that's useful.

30
31 President Knapp,

32 Yes, pending the outcome of today that there will be very few that come forward with a
33 recommendation -- that's a whole other set of issues. Using ALARF, is that limiting?
34 Should that just be for the [inaudible] prior to the acquisition of parkland whether it's
35 through ALARF or any other fund.

36
37 Marlene Michaelson,

38 ALARF acquisitions come to the Council -- each ALARF acquisition. In the other
39 acquisition PDF's, you give the Planning Board a pot of money you generally -- as you
40 approve the PDF see the types of projects, but the individual projects do not come
41 before you. So it's a very different process.

42
43 President Knapp,

44 Councilmember Leventhal.



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Councilmember Leventhal,

Generally, I think this language is benign. I do want to raise, for the record, a concern, and it relates to what I spoke about in my remarks. That is, I do not want to see this Council forfeit its rights. And given the sense that I get from the current configuration of the Planning Board, housing uses are not a priority at this time with this configuration of commissioners. And so what I want to be clear on here is that we are not, through the passage of this language -- I think the language seems benign. But I do not want to enshrine a concept that says the Planning Board has the ultimate word. And that, therefore, if in future the Planning Board performs this review that Mr. Berliner's language calls for, and then the Council or our Council staff or other communities have views that we've foreclosed that. Because, well, you know, the Planning Board did its review and, of course, we know their view. I mean we've heard Mr. Hanson very clearly articulate we are in the parks business; we are not in the landlord business. That is a quote from Chairman Hanson. So we know -- .

Royce Hanson,
That is accurate.

Councilmember Leventhal,

It's an accurate quote from Chairman Hanson. And so we know that with respect to the acquisition of public assets, as we saw in this case, the Planning Board's predisposition is going to against uses that the Council might -- we did not in this case, but the Council might in future find to be appropriate uses. And so, you know, had Roger and I been in dialogue on this, I might have added -- I'm not going to propose it now because I haven't drafted it and I'm seeing this language for the first time. But I might have added language to the effect that such a process will not foreclose the ability of the County Council to exert its own will on the matter; or for communities to propose alternative uses after Park and Planning's review is through.

President Knapp,
[Inaudible] point for the record. Thank you.

Royce Hanson,
Just a couple -- go ahead, Rick.

Rick Nelson,

The only comment I was going to make is an agency that some times requests to lease property, there is a serious question on my part whether we could agree that it is a cost effective to lease on a month-to-month basis if, in fact, the property had to have a lot of rehab. I am hearing from the Chairman that a facility plan would have to be developed and that could take some period of time. So I don't know how the Council would measure that cost effectiveness, but I know from a leasing agency, the length of time for which you could lease a property is a significant factor.



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Royce Hanson,

There is one other factor that I just want to mention to you because it is important. The Mary Bradford, the Director of Parks, reminded me of it. And that is very often when we're acquiring land with ALARF money it's different from when we are acquiring it under CIP appropriation. We are very often acquiring land as a target of opportunity. The land has become available, and sometimes we have to move pretty fast on this. I don't think that necessarily precludes this, but I want the Council to understand that we might need to bring this to you very fast. We might need to have a very fast expiration of the issue with the executive agencies or HOC in order to make that kind of a determination. And it, as Rick said, it may not be altogether gelled in terms of the cost effectiveness of the project.

President Knapp,
Councilmember Elrich.

Councilmember Elrich,
I just want to say -- .

Royce Hanson,
We did the best we could.

Councilmember Elrich,
Royce, I just want to comment on your last comment there. I feel, in some part, some of the options of things we might have talked about were precluded on this property because we literally got this thing as you got to do this, you got so much time otherwise the deal goes away. And I think that was unfortunate. So while I recognize it may happen that way, I think that it is really critical to have this discussion. And I would if I -- if we had not been forced into that discussion, I would have asked you then do you need all of it for the park or could we recover some of the -- the question I asked earlier, could we have recovered some of it. And if we had known that something was recoverable and we could have done that at the beginning then we wouldn't be in this mess of you declaring that something is surplus that you committed us to buy. So I would like you to -- I would just like to have some certainty that those will be emergencies that come through to us quickly and that otherwise the process is going to be as open as we can get it.

Royce Hanson,
Well, one of the things I think it's just important to keep in mind is that in some cases we're making an offer -- we tend to be an attractive buyer because we pay cash. But on the other hand, if the property is on the market and there is a potential developer buyer for the property, that the ability to move fast is again one of the things that makes us an attractive buyer. And I'm just trying to make sure the Council understands that the cost effectiveness issue may not be fully baked when we bring it to you, but we still may be



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1 bringing it to you and saying if you don't act, we are going to lose it. And then we get
2 neither the park nor housing.

3
4 President Knapp,

5 The other observation I guess I would make is we've e heard as it related to this specific
6 parcel that the Executive was never asked the specific question as to whether or not he
7 would use this house for something. So I would urge the Planning Board to make sure
8 that they draft the right language to make sure that we actually ask the Executive the
9 right questions so we get as an answer as to whether or not they want to use the parcel
10 and how they would use it. I think that's going to be important. I think that was a part of
11 this discussion that was notably absent. Further discussion on this amendment? All in
12 support of the amendment as proposed by Councilman Berliner indicate by raising your
13 hand? That is unanimous among those present. Okay. Councilmember Floreen.

14
15 Councilmember Floreen,

16 Thank you. As I said earlier -- and I am sorry I had thought that there was a
17 concurrence on Mr. Berliner's proposal. We had a lot of talk about the number of
18 alternative kinds of uses that currently exist quite comfortably on parkland. So I propose
19 that we continue to look at this option for this house until there is a plan proposed; until
20 there is a site development plan that would achieve whatever it is that the community
21 agrees they would like to see there, and until it gets funded. And so as I said, my
22 proposed language would add a sentence, and I think Mr. Hanson was going to
23 comment on this. But my point would be to retain what is currently the Parks
24 Department's discretion and operational flexibility that it currently has with respect to
25 park property and homes on park property. So that is my intention. And as I said I just
26 jotted this proposal down so no doubt it could be improved. But the language I'd add is,
27 however, until a development plan for the park has been approved and funded, the
28 house should be made available for public use. And the idea there is that it would permit
29 conversations to occur, examination of maybe there is some other use that might work
30 here. Maybe this would be an asset to public needs within this community until the
31 resolution of what is going to happen with the property is resolved. Simply put.

32
33 President Knapp,

34 I will second the motion. Councilmember Berliner.

35
36 Councilmember Berliner,

37 Simply put, I urge my colleagues to reject this amendment. I believe as Councilmember
38 Elrich referred to my comments with respect to the use of this facility and that it isn't
39 about whether or not there is a homeless facility or a facility for a nonprofit. My
40 statement was to pretend that we can have both a usable park and preserve the
41 existing structure for any purpose is simply that, a pretense. Point here is I think this
42 community has been through enough. I think the intention with respect to this Council
43 needs to be now affirmed that this will in fact be for parkland, and that this building
44 should be demolished immediately. That land can then be used for passive recreation. I



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1 would imagine the community will enhance that space as it is already enhanced the
2 existing spaces. We don't need to wait any longer, and we certainly don't need to put
3 this community through any more of an ordeal. This would be like Chinese water torture.
4 Enough.

5
6 President Knapp,
7 Councilmember Elrich.

8
9 Councilmember Elrich,
10 I don't quite see this as Chinese water torture but -- not that I have experience with
11 Chinese water torture, either as delivering it or receiving it. I think the problem is that
12 judging by the report about what it would take to put the house into the condition that we
13 would then be faced with putting a bunch of money into the house for an interim use
14 and -- that may well get torn down as soon as they come forward with a plan to use -- to
15 program the facility. So it seems to me it could be very counterproductive. We could put
16 money in and then very shortly there after tear the thing down. That would not be wise.
17 If it was possible to use the building until the building was taken down for something in
18 its absolute current state that would be less of an issue. But I think that the report says
19 you got to put money into this thing to really make it usable. And that would tell me that
20 this would not be a wise use of the money at this time. I would rather pay for whatever
21 facility they are going to program than program for both the facility and its destruction.

22
23 President Knapp,
24 Councilmember Leventhal. I would like to actually ask Mary Bradford to come forward, if
25 she could. Mary what -- off the top of your head. I mean, I understand you didn't come
26 ready and I wasn't planning to ask you this question, but it's in response to Ms.
27 Floreen's proposal. What would you estimate is the backlog of unperformed
28 maintenance needs, construction needs, planning needs, you know, general
29 improvements that ought to occur in parks throughout Montgomery County?

30
31 Mary Bradford,
32 In a general way I would say it runs into the hundreds of millions. We have -- not only do
33 we have demolition but parks that are ready for their development. We have them
34 strung out in CIP. If I were to calculate all of that, plus the operational needs for all the
35 new parks we are getting; we are getting quite a bit of development, of course, up
36 county. And with that comes a whole lot of additional parkland without necessarily the
37 additional funding. The Council has been good to us in some years in getting a hold of
38 that. We have made some management efficiencies. But you can always do more.
39 We've got essentially 10% of the land in the County in our care, and some of the areas
40 where we have not put attention as well as we could be is in our conversation areas,
41 which are in the stream valleys and other things that are so essential to a green
42 Montgomery County; plus the historic structures that we now own. We have a number
43 of historic structures that require a great deal of work. Yeah.



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1 Councilmember Leventhal

2 So 500 square miles in Montgomery County, 10% is 50 square miles. That's an
3 enormous amount of land that has vast amount of needs that need to be attended to.
4 How quickly do you think it's going to be before this house would be demolished?

5
6 Mary Bradford

7 It would depend on when we would get the money for the demolition, because currently
8 we do not have the money in our budget for the demolition for this property. But we
9 [inaudible].

10
11 Councilmember Leventhal,

12 And so Mr. Berliner's resolution simply states that the cost must not exceed \$65,000 on
13 circle 4, to be funded by ALARF, but, in fact, today we are not appropriating the money
14 for the demolition; is that correct?

15
16 Marlene Michaelson,

17 My understanding of this resolution would be that it would enable them to use the
18 ALARF funds for the 65,000. I'm interpreting so.

19
20 Mary Bradford,

21 That's great. If you accept this resolution then you've essentially appropriated the
22 money to us. [Inaudible].

23
24 Councilmember Leventhal,

25 So -- all right. So if that resolution passed then would we demolish the house?

26
27 Royce Hanson,

28 The resolution says at a time to be determined by the commission.

29
30 Councilmember Leventhal,

31 And when would that be, Mr. Chairman?

32
33 Royce Hanson,

34 Well, I can't tell you right today.

35
36 Councilmember Leventhal,

37 Well I think it's important that we have transparency.

38
39 Royce Hanson,

40 Well, I think it is too, but I can't -- I'm being transparent in telling you that I can't tell you.

41
42 Councilmember Leventhal,

43 You mean sometimes government can't answer every question, even though the
44 neighbors want the answer. I'm sure the neighbors would like to know when the house



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1 will be demolished. I am sure the neighbors would like to know when the house will be
2 demolished. You mean that sometimes government isn't in a position to answer
3 questions even though the neighbors ask them?

4
5 Royce Hanson,
6 Even though the Council asks them.

7
8 Councilmember Leventhal,
9 Right. Right. Isn't that amazing? Sometimes government just simply doesn't know the
10 answer. And we don't know the answer in this case. But let me ask, since there are
11 hundreds of other parks throughout the County that are waiting for their needs to be met
12 -- I know I'm just thinking of one off the top of my head is the Ovid Hazen Wells Park up
13 in Clarksburg that would like to have the merry-go-round moved from Wheaton, which is
14 a massive task, which good policy and fairness would dictate should occur. But we
15 know it's not going to occur right away. Would the Park and Planning Commission put
16 the demolition of this house in Hillmead ahead of all those other parks need.

17
18 Royce Hanson,
19 Well there's money here to demolish the house in Hillmead in this resolution.

20
21 Councilmember Leventhal,
22 So it's a pretty good chance that Hillmead is going to get its house demolished before
23 every other park that's been waiting in line for years [inaudible].

24
25 Royce Hanson,
26 I don't know whether every other park, but it's a pretty good chance that it would be
27 demolished as soon as we can get to it.

28
29 Councilmember Leventhal,
30 As soon as we can get to it. But this is germane to the amendment that's pending
31 before the Council, because the question is how long will the house stand there. And
32 the answer is we can't tell you. And I'm not blaming you for that. We can't know.

33
34 Royce Hanson,
35 Well I don't -- the money would be available by this resolution. And, again, when I say
36 as soon as we can get to it, I'm assuming we have to let a contract to have somebody
37 come and demolish it.

38
39 Councilmember Leventhal,
40 Okay, so but it would be your intention to do it pretty darn quick by government
41 standards.

42
43 Royce Hanson,
44 Sure.



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1
2 Councilmember Leventhal,
3 And ahead of all those other park needs that have been waiting in line for decades.

4
5 Royce Hanson,
6 Well there are other park needs that are being dealt with, again, as we get to them and
7 as they are budgeted to do it. It is very -- I don't know whether any other houses are
8 supposed to come down in the next month or not. But if we've already got contracts
9 down for them to come down, they'll probably come down before Hillmead.

10
11 Councilmember Leventhal,
12 We will be watching that with great care, I can assure you.

13
14 Royce Hanson,
15 We have other development projects that are underway. They will continue to be
16 underway. None of them will be stopped for Hillmead.

17
18 Councilmember Leventhal,
19 Well, the point I'm trying to make, I guess, is, you know, talk about process. It has been
20 a great story we have here. A private landowner proposed to sell her land and members
21 of the neighborhood reacted very strongly, and accused Park and Planning and the
22 Council and everyone else of improper activity. And Park and Planning said oh, my
23 goodness okay fine, we will just acquire the parkland instead. And then a proposal was
24 made to use one piece of the parkland. The Council has voted that down. And my
25 guess is now that the demolition of the house will occur pretty darn quick, by
26 government standards, ahead of all the other litany of needs in every other parks in the
27 County. That is one fortunate neighborhood. Congratulations.

28
29 President Knapp,
30 Okay. Further discussion on the amendment? Seeing none; all in support of the
31 amendment indicate by raising your hand. This is Nancy's amendment. Let's read it one
32 more time. Amendment to -- .

33
34 Councilmember Floreen,
35 Paragraph 1, which would say -- add the language, until a development plan for the
36 park has been approved and funded, the house should be made available for public
37 use.

38
39 President Knapp,
40 All in support of the amendment indicate by raising your hand. Councilmember Ervin,
41 myself, and Councilmember Floreen. All opposed Councilmember Elrich,
42 Councilmember Praisner, Councilmember Trachtenberg, Councilmember Andrews,
43 Councilmember Berliner, and Councilmember Leventhal. Okay, further amendments.



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1 Councilmember Elrich,
2 I've got three.

3
4 President Knapp,
5 We have the Charter Review Commission waiting to [inaudible]. Okay, turn on your
6 microphone first so people can actually hear what you're saying.

7
8 Councilmember Elrich,
9 So I've got three as a package. They're numbered 4, 5, 6. First one says DHCA in
10 consultation with HHS must adopt a plan of action by January 2009 to create an
11 inventory of properties which could be acquired for the purpose of expanding affordable
12 housing opportunities, including special needs housing. Number five would be DHCA
13 shall pursue -- should pursue a program that examines options for purchasing
14 foreclosed properties for affordable housing opportunities by the end of September
15 2008. And number six is DHCA, in cooperation with Park and Planning, will explore
16 purchasing properties for special needs housing using ALARF funds as is consistent
17 with Master Plans. And it's just a start.

18
19 President Knapp,
20 Believe me -- is there a second?

21
22 Councilmember Berliner,
23 Second.

24
25 President Knapp,
26 Seconded by Councilmember Berliner. Discussion? Councilmember Leventhal.

27
28 Councilmember Leventhal,
29 Well talk about making policy on the fly. I mean I have heard encomiums to the
30 importance of public input and having a good valid process in place, and not doing
31 things at the last minute. But here is an amendment to his specific resolution relating to
32 the disposition of one property. We're going to adopt an entire policy through -- about
33 park housing, and we haven't even discussed it with Park and Planning. And we haven't
34 had a public hearing. And we haven't had input from communities. I just have to say that
35 all of the pious rhetoric about process seems only relevant when we're dealing with one
36 case where constituents are unhappy, because we made process on the fly all the time.
37 And Mr. Elrich's language would propose to do precisely that. And I'm in a position
38 where, you know, I don't see how I can vote against it, but this hasn't been vetted with
39 us. We haven't discussed this. This is not transparent. Nobody has seen a copy of this.
40 So we're going to now dictate a park housing policy countywide at the last minute as an
41 addendum to Mr. Berliner's resolution to the disposition of property. We don't have a
42 really good process here. All right. We really don't. And we're not making decisions
43 based on really considered judgment. So it's hard for me to vote against this, but let's



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1 not pretend that the vote we cast earlier was in the interest of good process, or that it
2 had anything whatsoever to do with process.

3
4 President Knapp,
5 Councilmember Floreen.

6
7 Councilmember Floreen,
8 Well let me just say it's hard to argue with these objectives. We do have a housing plan.
9 As I said earlier, I don't think anybody has read it. And that is actually part of the
10 problem. We have a lot of policies. We have rooms full of plans and objectives and
11 statements and objectives. And they really are great press releases, but they achieve
12 nothing. I would like to ask that we schedule a day, Mr. President, so that the full
13 Council gets briefed on every single housing policy initiative that is currently under way,
14 including the County Executive's proposal to add accessory units as a permitted use in
15 every single neighborhood of Montgomery County in every single home; as well as the
16 range of housing proposals that the Housing Task Force has presented. And remind us
17 of what is in all our plans and what is in all our different regulatory environments. So
18 fine, we can ask them to do all this. We know we funded a Housing Initiative Fund that
19 has no money to spend for stuff. Short-term financing is available; that was the big
20 addition. That requires that money to be refunded in two years, as I recall. That is not
21 permanent any thing. So there is no money that the Housing Initiative Fund has
22 available, largely, this year to start acquiring things. It is great to talk, terrific. Let's talk.
23 And let's pick a day in July, may I suggest, where we get down to basics and sign on.
24 Excellent.

25
26 President Knapp,
27 I just had a question for Mr. Nelson as to any feedback since DHCA is the first letters in
28 the beginning of these three elements.

29
30 Rick Nelson
31 Well, in item number four it says create an inventory of properties, which could be
32 acquired. There's no description of what kind of properties.

33
34 Councilmember Elrich,
35 What do you think I'm talking about?

36
37 President Knapp,
38 Hold on. Let Mr. Nelson finish.

39
40 Councilmember Elrich,
41 Okay.

42
43 Rick Nelson,



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1 I mean, I assume you're talking about county-owned properties, but if it's not in the
2 legislation it's an open-ended thing that we have to do an inventory on. I'm just asking
3 for clarification [inaudible].

4
5 Councilmember Elrich,
6 I was thinking of apartments and single-family homes.

7
8 Councilmember Floreen,
9 Privately owned.

10
11 Councilmember Elrich,
12 What we've been calling targets of opportunity.

13
14 President Knapp,
15 Let's let Mr. Nelson walk through; as he gives feedback let's see if there are potential
16 modifications to the language as proposed. I guess the one question I wanted to get
17 some clarification on is that has DHCA actually seen this language? And it would
18 appear not yet.

19
20 Rick Nelson,
21 I just saw it a few minutes ago. Where the editorial is down in number six, when you talk
22 about ALARF, I assume you're referring then to Park and Planning ALARF, because
23 there are two different ALARF's. So you want to add that language. The language in
24 number four is -- is troublesome because I am just not sure how one can do an
25 inventory of all properties improved and unimproved that could, in fact, be purchased,
26 because in some respect that could be everything. I understand the direction in which
27 you're going because we've had some conversations about this. But I just have difficulty
28 at this point trying to figure out how we would carry out that particular requirement, and
29 do it by January. And then the last thing, I guess, a question, which I'm always
30 concerned about; the more you move in that direction is that giving a message to the
31 market that the deep pockets are ready to buy stuff -- the deep pockets meaning the
32 County. And I know that's not the intent, but I do fear the impact that that kind of a
33 requirement has on the marketplace.

34
35 Councilmember Elrich,
36 Can I respond to that?

37
38 President Knapp,
39 Councilmember Elrich.

40
41 Councilmember Elrich,
42 I don't think that people are going into foreclosure based on their perception of whether
43 or not the County is going to be a willing buyer for their properties. So I don't think that
44 our decision to look at these things is going to somehow change behavior.



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1
2 Rick Nelson,
3 [Inaudible].
4

5 Councilmember Elrich,

6 And what I'm not trying to do here is set a policy. If I wanted to set a policy I would have
7 said what the outcomes of these things should be. I'm saying that -- I'm trying to provide
8 a timeframe for DHCA, which I would expect would come back to the PHED Committee
9 or whatever other appropriate committee there is, to talk about this and have a public
10 discussion about how they're going to go about doing this in these timeframes. I'm
11 prescribing what the outcome should be, and what conclusions they should reach. I'm
12 saying these are things that seems very clear to me that we need to start exploring
13 aggressively, and I'm asking the Council to direct DHCA and HHS to look at these
14 things and work with us and help develop plans. So I think there will be plenty of public
15 process and opportunity for public input. I'm not trying to short circuit that; I'm simply
16 trying to say this Council thinks we need to take some action and some direction, and
17 come back to us and work with us. But we want things done in a certain timeframe.
18

19 President Knapp,
20 Councilmember Leventhal.
21

22 Councilmember Leventhal,

23 First of all let me say to Councilmember Elrich, the goals that you seek are worthy goals
24 to quote the County Executive. I support your goals. I'm trying to think through
25 parliamentary procedure because it would seem to me that the best thing to do with this
26 proposal would be refer it to the PHED Committee. But I don't know whether you can
27 refer an amendment to a resolution to a committee. You can refer a Bill to a committee.
28 But, obviously, if this was referred to committee, then the resolution might pass without
29 it, and you're trying to attach it to this resolution. So, I really, frankly, in the best spirit,
30 would suggest that you withdraw this. I think this not -- .
31

32 President Knapp,
33 Hold on. Hold on.
34

35 Councilmember Leventhal,
36 But, Mr. President, I have the floor.
37

38 President Knapp,
39 I know. But I want to make a proposal relevant to what you were outlining, because I
40 wanted to see if we could actually get to the point that the Councilmember wanted to
41 achieve. Because I think we need to. And I think we had this conversation in the
42 committee during the course of the budget discussion as it related to the Housing
43 Initiative Fund and to any other elements as it relates to housing. And my concern is,
44 relative to the points you were raising, but also to the points that I know Councilmember



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1 Elrich is interested in trying to address. We just provided a budget two weeks ago that
2 didn't include any of these things. And I think it's important if we truly want to look at
3 this, which I know Councilmember Elrich wants to, that we ought to get a sense of
4 where this fits relative to the other projects we've put out there. And so I think as a
5 colleague on the PHED Committee that it may make more sense for us to come back
6 and put these pieces together in a more constructive way so that we can get the right
7 answer to the right question.

8
9 Councilmember Leventhal,

10 May I reclaim my right? Obviously, Mr. Elrich has put this forward. Ms. Trachtenberg
11 has seconded it. It is before the Council. I would really urge that it be withdrawn, but
12 that's the sponsor's judgment to make. I would simply state that I can't now, with the
13 Council's prior vote, vote for language that says DHCA in cooperation with Park and
14 Planning will explore purchasing properties for special needs housing using ALARF
15 funds as is consistent with Master Plans, knowing that we just voted not to do that in a
16 case where DHCA had extensively looked at this issue and felt it was an extremely
17 feasible thing to do. So until we have a more thorough discussion, and in terms of what
18 we're asking Rick Nelson to do as he stated in the first place, to -- an inventory of
19 properties which could be acquired. I may be wrong about this. I think there are about
20 350,000 housing units in Montgomery County. So to inventory 350,000 housing units
21 probably can't be done by January 2009, would be my guess. So I think this needs like
22 a loaf of bread, you know, it's a little bit half baked and it needs a little more time in the
23 oven. We're here in an oven today, and so I really would urge the sponsor to pull back
24 on this one and let us -- if there is any hope, which we'll see, try to work together to
25 achieve these broad goals. But the idea that it is -- that the same Councilmembers who
26 have just voted against a DHCA proposal to purchase a property for special needs
27 housing are now going to direct DHCA to explore using properties for special needs
28 housing seems a bit contradictory. It's making my head spin.

29
30 President Knapp,

31 [Inaudible] Councilmember Elrich and I'd like to -- .

32
33 Councilmember Elrich,

34 I'm sorry if this is making your head spin. But I want to be clear. I mean, my objection
35 was not to the acquisition of special needs housing with ALARF funds. And you can
36 believe me or not based on what I said, and it is what it is. But I do think, and it's been
37 established here, that it is appropriate to use ALARF to buy housing. I suspect that
38 99.9% of the houses in Montgomery County do not exist on parkland; they exist on lots
39 that are normal residential lots in some configuration or another. And I think it's perfectly
40 appropriate for ALARF to be used for that. Now I envisioned this coming back to the
41 PHED Committee to talk about it. And that seems like that's what I anticipated
42 happening. What I wanted to leave today with was some clear direction to DHCA and at
43 least some understanding in public that perhaps the whole Council could say this is, in



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1 fact, things that we want DHCA to do. And then let the committee -- come back to the
2 committee and work on the details of it. That's all I'm trying to do here.

3
4 President Knapp,

5 I guess to that point, do we need to put this in the actual resolution? Let the resolution,
6 which is very specific to Hillmead, go through. We have your language before us. And
7 then we're going -- trust me, we're going to do a lot of affordable housing.

8
9 Councilmember Elrich,

10 Will get to PHED, like, soon?

11
12 President Knapp,

13 Yeah.

14
15 Councilmember Elrich,

16 Then I'll withdraw it so it goes to PHED.

17
18 President Knapp,

19 Okay. All right. I think that makes sense then. So that's the last amendment. So we will
20 bring this back to the PHED Committee. Solved that problem. Okay. Further discussion
21 on the resolution as introduced by Councilmember Berliner? Seeing none -- .

22
23 Councilmember Leventhal,

24 Mr. President, I request a roll call vote.

25
26 President Knapp,

27 Very good. We'll have a roll call vote on resolution for -- let me call it the right thing -- a
28 resolution to determine disposition of house in Hillmead Neighborhood Park. Madam
29 Clerk, if you would call the roll.

30
31 Council Clerk,

32 Mr. Elrich.

33
34 Councilmember Elrich,

35 Yes.

36
37 Council Clerk,

38 Mr. Praisner.

39
40 Councilmember Praisner,

41 Yes.

42
43 Council Clerk,

44 Ms. Trachtenberg.



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1
2 Councilmember Trachtenberg,
3 Yes.

4
5 Council Clerk,
6 Ms. Floreen.

7
8 Councilmember Floreen,
9 Yeah.

10
11 Council Clerk,
12 Mr. Leventhal.

13
14 Councilmember Leventhal,
15 Hell no.

16
17 Council Clerk,
18 Ms. Ervin.

19
20 Councilmember Ervin,
21 No.

22
23 Council Clerk,
24 Mr. Berliner.

25
26 Councilmember Berliner,
27 Yes.

28
29 Council Clerk,
30 Mr. Andrews.

31
32 Vice President Andrews,
33 Yes.

34
35 Council Clerk,
36 Mr. Knapp.

37
38 President Knapp,
39 No. The resolution carries 5-4. Mr. Elrich, your microphone is still on. Okay. We're only
40 45 minutes behind schedule. Okay. We have now before the introduction of three
41 different -- actually a Resolution and then Zoning Text Amendments. First -- folks, if
42 you'd please keep it down as you depart, because we have to get a fair amount of
43 things done. First, Introduction of Resolution to approve use of Advanced Land
44 Acquisition Revolving Fund for acquisition of real property: 1) Robert Mitchell, et al



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1 Property; and 2) Wheaton Moose Lodge #1775 Property. Action is tentatively scheduled
2 for June 17, 2008. Councilmember Floreen.

3
4 Councilmember Floreen,
5 Well, I have a question about that given -- folks if you could -- .

6
7 President Knapp,
8 Folks, please keep it down. Thank you.

9
10 Councilmember Floreen,
11 Given what we've just done, is it the intention of the movers of the last motion to require
12 this same study for this one?

13
14 Unidentified,
15 May I, Mr. Knapp.

16
17 Councilmember Floreen,
18 The Moose Lodge property and -- .

19
20 Unidentified,
21 Neither of these properties have improvements on it I am pleased to say.

22
23 Councilmember Floreen,
24 Okay. Good. No problem.

25
26 President Knapp,
27 That is simpler. Okay, so we've now -- we don't -- we have no action to take there.
28 Okay. Introduction Zoning Text Amendment 08-12, Landscape Contractors - General
29 Commercial C-2 Zone, sponsored by Councilmember Floreen. The action is a resolution
30 to establish a public hearing for July 15, 2008, at 1:30 p.m. Is there a motion?

31
32 Councilmember Berliner,
33 So moved.

34
35 President Knapp,
36 Moved by Councilmember Berliner. Is there a second?

37
38 Councilmember Elrich,
39 Second.

40
41 President Knapp,
42 Seconded by Councilmember Elrich. All in support of establishing the public hearing
43 indicate by raising your hand. That is unanimous. Thank you very much. D - Introduction
44 - Zoning Text Amendment 08-13, Transit Oriented Mixed Use - General Commercial C-



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1 2 Zone, sponsored by Councilmember Berliner. Action is resolution to establish public
2 hearing for July 15, at 1:30 p.m. Is there is a motion?

3
4 Councilmember Trachtenberg,
5 So moved.

6
7 Councilmember Floreen,
8 Second.

9
10 President Knapp,
11 Moved by Councilmember Trachtenberg; seconded by Councilmember Floreen. All in
12 support indicate by raising your hand. That is unanimous. Thank you. We now turn to
13 District Council session. The action before us is request of oral argument and/or
14 consideration of Hearing Examiner's report and recommendation. We moved too quickly
15 on it.

16
17 Jeff Zyontz,
18 I'm not sure if the Hearing Examiner is listening to the speaker phone. You have a first
19 question before you; whether you involve the Hearing Examiner or not is whether or not
20 you wish to grant oral argument or not.

21
22 President Knapp,
23 I would actually move that we have oral argument. Wow. Okay. But we actually have to
24 identify what the scope of the oral argument, do we not?

25
26 Jeff Zyontz,
27 You do if you wish to. If you wish to have some particular criteria, yes.

28
29 President Knapp,
30 The biggest issue I was looking for is compliance with the Master Plan and the various
31 notification requirements that occurred during the course of this process. I don't know if
32 anyone else had further elements. Seeing none.

33
34 Jeff Zyontz,
35 So it's compliance with the Master Plan and notice -- .

36
37 President Knapp,
38 Fulfillment of the notification process.

39
40 Jeff Zyontz,
41 Okay.

42
43 President Knapp,
44 Okay, seeing no further discussion -- Mr. Elrich.



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1
2 Councilmember Elrich,
3 I'm a little bit interested in this 55-year-old discussion, which has been raise -- which I
4 think one of the people raises here. Because I think it's -- I've had presentations from
5 people about whether the County law treats elderly or as 55 or there's another definition
6 of elderly, which is older. And how does that apply? And does allowing the use at 55
7 dilute what may be the intention of the Council to provide housing to people who are
8 elderly. In other words, if you go to 55 and call that elderly, at least a couple of us on the
9 Council would be considered elderly, and I'm not sure we should be getting -- .

10
11 President Knapp,
12 Not willing to go there yet?

13
14 Councilmember Elrich,
15 I'm not willing to go there yet. And I'm not willing to qualify for special treatment on that
16 basis, and so I would like to hear the merits of that also.

17
18 President Knapp,
19 Okay. Councilmember Floreen.

20
21 Councilmember Floreen,
22 Well I would simply say, not that that's not a fine conversation to have, but it's not a
23 zoning issue. If that's the rule under the zoning ordinance today, then it's a policy
24 conversation as opposed to a zoning case matter. Is that the rule today, Mr. Zyontz?

25
26 Jeff Zyontz,
27 We follow federal regulations, so if they allow people to distinguish elderly housing at
28 55, we permit that. At least I know that's with the retirement community zones.

29
30 Councilmember Floreen,
31 So if that's the case, may I suggest that that's something we take up separately from the
32 zoning case. Just because I'm not sure that either the applicant or the -- I mean, one
33 can argue about whether that's a good idea. But the issue of what the rule apparently is
34 rather -- is not entirely within our reach at this moment. And it's certainly not unique to
35 this case.

36
37 Councilmember Elrich,
38 That's why I'm conflicted because I heard that this was within our reach in something
39 else that -- in a different thing that somebody had talked to me about. And so it's not
40 clear to me whether this is in our reach or not.

41
42 Councilmember Floreen,
43 Well, let's ask the staff.



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1 Jeff Zyontz,

2 You cannot be less restrictive than the Federal Government. You could be more
3 restrictive if you so chose to be. But then again you run the risk of confusing people on
4 both sides of it.

5
6 Councilmember Floreen,
7 Is it unique to this case?

8
9 Jeff Zyontz,
10 That I don't know.

11
12 Councilmember Elrich,
13 It is the challenge that one of the objectors raises is that based on our policy or is it
14 based on just their objection to federal policy. Because we have a letter in there where
15 that issue is actually raised, and I can't tell what the basis of that raising is.

16
17 President Knapp,
18 Can we have staff go back and look at that and give us some feedback if it is within -- if
19 it's within our bounds. Then we can have that as one of the elements. And if it's not,
20 then -- .

21
22 Councilmember Floreen,
23 That's fine.

24
25 President Knapp,
26 Okay. All right. Further discussion as to whether to move to an argument? Seeing none,
27 then the motion before us is grant oral argument. All in support indicate by raising your
28 hand. That is unanimous. Thank you very much. And I believe the date we are going to
29 pick for that is June 24th. Okay. We now turn to another very simple issue for all of us.
30 Action - Resolution to repeal the Policy on Parking at County Libraries. And I now turn
31 to Dr. Orlin.

32
33 Glenn Orlin,
34 And there is no committee recommendation on this. This was introduced a few weeks
35 ago, and it's gone straight to the Council, as you know. The Council has had a policy for
36 a couple of years. It was adopted in 2006, which mandates free parking at the County
37 libraries. There was a resolution that was introduced by Councilmembers Leventhal,
38 Ervin and Berliner a couple weeks ago which essentially would repeal the policy, which
39 would allow the Council to set whatever policy it wanted to regarding particular libraries,
40 or let the Executive do it. We have the arguments, pro and con, in the packet. You've
41 seen information from the commission on person's with disabilities who had one
42 position, and they changed their position a little bit later. You have the position from the
43 city of Rockville in favor or retaining the policy, and the position of the commission on
44 Silver Spring Citizen Advisory Board opposing the policy. You also have a letter from



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1 Councilmember Andrews outlining the reasons for retaining the policy. Council staff
2 recommendation is to repeal the policy for the reasons that we've given you before,
3 which is that it's very typical when you go to a town center area, whether it's Bethesda
4 or Rockville or Silver Spring, that people expect to pay for parking. There are lots more
5 important reasons for going to those places than going to the library, which you have to
6 pay for parking; whether you're going to the doctor, whether you're going to the County
7 Council to testify after the first hour, you pay for parking. If you go to Park and Planning
8 to testify at a public hearing you pay for parking. And furthermore, any policy for free
9 parking in these areas we can't find a way of really enforcing it. The current policy would
10 allow someone to -- the current practice is to allow someone to park in the garage. They
11 take their space number, they go to the machine inside the library. They key in their
12 numbers, and that gives them two hours free parking. They then can then go off and do
13 what they want to do. They can either go into the library and do library work, or they can
14 go shopping or whatever. And there is no way of knowing, in fact, whether they are
15 going to the library. They can even come back just before that two-hour period is over,
16 key in their numbers again, and have another two hours. And they can go on
17 indefinitely. When I came back from Mr. Potter's memorial service, the memo from Mr.
18 Andrews, which would change the policy, which would restrict -- which would keep
19 mandated free parking at our libraries but leave it to two hours rather than unlimited;
20 that still has the problem of enforcement. There is no real way of enforcing that. People
21 can still come down, punch in their number, spend the two hours doing whatever they
22 want to do. They could even come back before the two hours is up, punch it in again,
23 and the reader of the ticket -- of the tape won't know whether that is a different person
24 or not. So in effect it doesn't have any enforceability. So Council's staff recommendation
25 is to repeal the policy and to go forward from there.

26
27 President Knapp,
28 Councilmember Leventhal and then Council Vice President Andrews.

29
30 Councilmember Leventhal,
31 Well I get all the unpopular issues today.

32
33 Councilmember Berliner,
34 But I'm with you on this one.

35
36 Councilmember Leventhal,
37 Yeah, I know that.

38
39 Councilmember Berliner,
40 [Inaudible] make a great deal of difference.

41
42 Councilmember Leventhal,
43 And I appreciate it. I honest -- sincerely appreciate it, Roger. I'm not being sarcastic.
44 You know, I'm reluctant, but I will invoke her name. Councilmember Marilyn Praisner



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1 and I were willing to cast an unpopular vote here two years ago, 7-2. We anticipated
2 that this was not going to work in fact. It sounds great in principle. Of course in principle,
3 when you think about it; wouldn't it be nice if library parking were free. Wouldn't it be
4 nice -- I've got to tell you, Phil Andrews, before you were elected to the Council one of
5 the things I admired most about you was your proposal that Ride-On bus ought to be
6 free. And I still wish we could do that. The problem was we couldn't afford it. Wouldn't it
7 be nice if everything were free? Wouldn't it be nice if nobody had to pay for anything?
8 But somebody has to pay. And so what we're doing now is we have a policy at the
9 Rockville Library where all the taxpayers of the County are floating the debt service for
10 Rockville's bonds building its parking garage. That is, in fact, what's occurring. And it's
11 going to -- now it's estimated -- it's a pure estimate. It's a pure guess; we don't know --
12 to cost \$90,000 this year. I've heard touching -- touching speeches about the concern
13 for the poor expressed by supporters of free parking at the Rockville Library. I don't
14 know how many of the people that use the parking are poor. In order to use the parking
15 you have to own a car, so there's sort of a threshold issue there. But I know there are
16 poor people who own cars. I'm Chairman of the Health and Human Services
17 Committee. We just had a big debate about how to deal with issues affecting the poor.
18 I'll continue working on issues affecting the poor. This \$90,000, I would say, is not a
19 very carefully targeted way to help the poor. It is also very confusing when we look at
20 our increasing move, right or wrong, I mean, there are questions either way, about town
21 center modernizations. It just doesn't make a lot of sense to make the library the
22 keystone of the town center, as Rockville did, as Silver Spring is likely to do, as
23 Wheaton is now considering, and then have a situation where there's all this confusion -
24 - ethical confusion about how parking ought to be used. You know, I said initially when
25 we first talked about this, we're being scammed. That people are taking advantage of
26 parking and doing it for other purposes. We have anecdotal evidence of that; I can't
27 prove it. But I'll withdraw that, because it isn't even an issue of being scammed. We
28 actually want people to go to the library and buy a coffee at Starbucks too. We actually
29 want people to go the library and buy a burger at Gray Stone Grill or get some Thai food
30 next door. But it puts our constituents in an ethical dilemma if they get free parking and
31 use it for other than library purposes. And that is going to be aggravated in Silver
32 Spring, where obviously the Silver Spring Citizen's Advisory Board, as we all know, has
33 said, please don't do this. Please don't put us in this dilemma of trying to ascertain
34 whether people parking in the Lane Avenue garage are parking for a legitimate purpose
35 and using their parking for a legitimate purpose. It's just too complicated to enforce. It
36 doesn't work as government policy. It sounds brilliant on the surface. I can see the
37 political brilliance of this. I understand why, you know, only Mrs. Praisner and I were
38 willing to vote against it a couple of years ago, because we, you know, we're at that
39 point going to do something unpopular, and we took some heat for it. And I'm still taking
40 heat for it. But as a matter of policy it just isn't wise policy. It isn't working in fact. And it's
41 going to be worse if you have a uniform blanket policy that also affects Silver Spring that
42 also affects Wheaton. Now let me clarify because there's been confusion
43 understandably. Passage of this resolution will not impose parking charges on every
44 library in Montgomery County. There will be no charge at the beautiful Marilyn Praisner



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1 Library that we dedicated; no charge for parking there. There will be no charge for
2 parking at the Quince Orchard Library or the Long Branch Library or any other parking --
3 any other library today other than Rockville and Bethesda, which happen to be located
4 immediately adjacent to metro stations and where the real estate is very expensive --
5 location, location, location; and where there's a likelihood for stiff competition for
6 parking. The other issue is, why do we charge for parking at all. It's to free up parking
7 spaces. The risks exists that in downtown Bethesda, for example, it's -- people are
8 going to use the parking there in order to do other things in Bethesda. And the people
9 who want to use the library won't get access to the library. And in Rockville the problem
10 is that this estimate of \$90,000 is a seat-of-the-pants estimate. Once people figure out
11 that they can park for free in Rockville Town Center why would anybody pay. So we're
12 going to end up really floating the entire bonds for the whole cost, because more and
13 more and more people are going to figure this out. And again, even those who are not
14 abusing the system, who are doing precisely what we want them to do because we're
15 using these libraries as a keystone for economic revitalization in town center are placed
16 in an ethical dilemma. If they do what we want them to do, are they actually abusing the
17 privilege of library parking? It doesn't work as a matter of urban planning. It just doesn't
18 work as a matter of transportation policy. It glorifies the culture of the automobile just at
19 a time where we have a lot of interest in Council in minimizing vehicle miles traveled,
20 and encouraging use of public transportation. And, again, when we get to talk about the
21 poor, okay, really, an awful lot of poor people, as my good friend Valerie Ervin knows,
22 ride the bus. But if you ride the bus you don't get any benefit. Rockville Library parking
23 is located right next to Rockville, but if you take metro, which we really want you to do,
24 you don't get any benefit. We don't subsidize that. So those people fortunate enough to
25 own a car, who could include some poor people, get the benefit. But the poor people
26 who ride transit, they don't get the benefit. The issue has been raised about the
27 disabled. We had some dialogue with the commission on people with disabilities; turns
28 out nice, I appreciate it, city of Rockville policy is everybody with a disabled permit
29 already parks for free. So the point is really moot with respect to the disabled. If you've
30 got a disabled permit, you already park for free. And, you know, realistically look, the
31 County is urbanizing. That brings problems. It brings challenges. It brings opportunities
32 other urban libraries do not provide free parking. So this concept that I've heard that
33 free libraries are some how equated with free parking is not the case at the Martin
34 Luther King Library in Washington, D.C., which you can't park for free there; you got to
35 pay on the street, get meter parking. They don't have any access. If you can find a
36 public parking lot, it's some distance. [Inaudible] Pratt Street Library in downtown
37 Baltimore; no free parking there. And of course we've heard all this talk about Ben
38 Franklin who founded the American Library. The library company that he founded has
39 no free parking; you got to pay. The public library of Philadelphia in downtown
40 Philadelphia, which has a bust of Benjamin Franklin in its lobby; no free parking, you got
41 to pay. I'm not trying to punish anybody with this. I'm sorry really. I'm not happy about
42 this. I bring this up with no joy. I just know that Marilyn wanted to do it. She would be
43 taking the lead on it if she were here. She told me so. She was trying to count the votes.
44 It came up during budget. We identified it in budget as an issue that ought to be



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1 followed up on. Another issue, I say to my good friend of the Public Safety Commission
2 I hope we'll take up soon, is the issue of stipends for the Fire and Rescue
3 Commissioners, which is also going to be unpopular. I mean, we've got to identify some
4 budget savings. None of them are popular. I know this is not popular. I bring it forward
5 with no joy. But we've got to -- we really need to have good government. And I'm not
6 saying that anyone here is an advocate for bad government. I appreciate all of my
7 colleagues on this issue.

8
9 President Knapp,
10 We appreciate that.

11
12 Councilmember Leventhal,
13 But honestly, sincerely, let's get rid of this. It's just a headache. It wasn't a wise policy
14 decision. Let's reverse it. And then finally I would just say, I mean, I know that people
15 feel really strongly about this in Rockville. I see a strong and admirable library advocate
16 in the audience, Gayle [inaudible], who has done -- who has spent years advocating for
17 this beautiful new library, which she got and which the city of Rockville got, paid for by
18 the County. You're welcome. It's a beautiful library. Okay. And congratulations to you for
19 your advocacy. And I know she feels very strongly about this, and she's entitled. But
20 why should Rockville impose on Silver Spring; that's what I got to know. Why is it fair for
21 the Rockville friends of the library to tell the Silver Spring Citizen's Advisory Board, no
22 we come first? We want free parking and therefore you have to have, even though the
23 Silver Spring Citizen's Advisory Board says, please don't do this in Silver Spring. We
24 can't make it work in the Wayne Avenue garage. We don't want it.

25
26 President Knapp,
27 Council Vice President Andrews.

28
29 Vice President Andrews,
30 Thank you. Well, my good friend and colleague, George Leventhal, has put forward a lot
31 of different arguments. Let me respond to the ones that I think need a rebuttal. And
32 sometimes people put into words much better than you can say what you hope to say.
33 And I'm going to read from a couple letters that I think encapsulate better than what I
34 can say now why I think this is an important policy, one that is in place, one that is
35 achieving its purpose of eliminating obstacles to library use so that there is no charge
36 for parking at any library. And I'll read a letter from the Chair of the Montgomery County
37 Library Board that the Council received today that says, as a matter of record this is to
38 inform you and other members of the Count Council, the Montgomery County Library
39 Board is opposed to the repeal of the current free parking policy at county libraries. The
40 majority of county residents have always enjoyed free parking at library facilities. The
41 library prides itself on being customer accessible to everyone in the County. We believe
42 every resident should continue to have access to the system without barriers imposed
43 by de facto admissions fee for drivers who have no other way to get to the facilities. We
44 urge you and all Councilmembers to retain the current policy of free parking for



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1 customers at all county libraries. To the issue of what would this effect be on -- that was
2 from Lois Newman, Chair of the Montgomery County Library Board. We also received --
3 the Council received -- I believe all my colleagues got it -- an email from Pam Saussy,
4 the Executive Directive of the Literacy Council of Montgomery County, which I will read
5 as well. It's not long. It starts out by mentioning that they agreed with the reasons that I
6 put forward in a commentary that I had in paper recently, and then it adds -- she says I
7 will add another, and that is to help English instruction accessible to residents and
8 workers in our communities. The Literacy Council's office housed in the Rockville
9 Library is visited daily by dozens of adult learners seeking to register for our literacy
10 English tutoring services, which are provided by volunteers, and typically take place in
11 county libraries. Imposing parking fees on these people to access our services and
12 potentially again when they meet with their volunteer tutors would pose a significant
13 hardship on many of them. Hundreds of Literacy Council volunteer tutors, many of
14 whom are retirees on fixed incomes meet with their adult students weekly at libraries
15 around the County. Furthermore, the Literacy Council will be offering free English
16 classes in the fall to county libraries, including Silver Spring Library -- which is the one
17 that will be relocated at some point. Parking fees for those learners, virtually all of whom
18 are low-income emigrants, would likely result in many being forced to forego
19 participating in the classes. Please don't forget that library patrons who will benefit from
20 free parking include many individuals struggling to learn English and become self-
21 sufficient, as well as those dedicated volunteers working hard to help them get there.
22 The basic reason for this policy is to make sure that there is no obstacle to encouraging
23 library use in this County. A dollar-an-hour parking charge could be an obstacle for
24 library patrons, especially for the poor. I haven't heard anybody rebut that basic
25 argument. And the idea is to make sure that there is not that obstacle in place for any
26 users of our libraries. Different libraries have different collections. The Rockville Library -
27 - the County library in Rockville, which is a County library and not a city of Rockville
28 library, has several specialized collections that people have to go to if they want to
29 access those collections there not generally available throughout the County. And so
30 you will have a disproportionate impact given that the first library, and the library that
31 would be most immediately affected in addition to the Bethesda Library, would be the
32 library here in Rockville in terms of access to those collections. The general population
33 has -- we've heard from many people about this issue. I believe this is sound policy. I
34 believe the County Council should continue it. I don't believe a compelling reason has
35 been offered to repeal it. It is in place. It is accomplishing its purpose. It will be
36 increasingly important as future libraries may be located in areas where a charge for
37 parking would likely be put into place such as Silver Spring, such as potentially
38 Wheaton, such as potentially at a new library in Derwood, if there's one built near the
39 Shady Grove Metro there. There are other possibilities. It is important to maintain this
40 policy. It is important to have equal access. It is important not to have barriers. I think
41 we've heard persuasively from a lot of people about why this is important. And I would
42 ask the Council to continue this policy and to not support the resolution that's been
43 introduced by my colleagues.

44



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1 President Knapp,
2 Councilmember Ervin.

3
4 Councilmember Ervin,
5 Thank you very much. I want to talk about Silver Spring for a second. We've heard a lot
6 about the Rockville Library. Silver Spring is a very densely populated urban center, and
7 it is only going to get more densely populated. And I was at the Silver Spring Advisory
8 Board's meeting last night. And they reversed a decision that they made in 2006, and
9 now believe that free parking at the new library site is a poor use of resources. I wanted
10 to bunk some of the theories that we're talking here about poor people and their use of
11 libraries. And I live in Silver Spring and I know where all the Ride On busses stop, and
12 many of the Ride On busses stop at the library at Long Branch, at Silver Spring Library.
13 And I know my community very well, and I know the poor people we're talking about
14 really heavily use Metro and Ride On bus and WMATA bus. So I want to read a couple
15 of the bullet points that came out of the Silver Spring Advisory Board's letter and was
16 reiterated to me last night. And the ones that I think are the most important is, one, there
17 is already a public parking lot across the street from the new site, which is inexpensive
18 and even free during weekends and evenings. Free parking a regressive subsidy to
19 those who can already afford cars, while others who use public transportation are given
20 no similar incentives for use. We talked a lot last night about the excitement of the
21 coming Silver Spring Library in downtown Silver Spring, and we are hoping for a
22 beautifully designed, well used library for Silver Spring. And I know because it is so
23 close to a Metro to the most busy metro rail bus station in the entire County, we will see
24 many people who may not have been able to go and use the other library, will be
25 coming, I think in large numbers now, to the Silver Spring Library. And maybe even we'll
26 be stealing some from Long Branch Library. We'll have to see. So I really am in full
27 agreement with Councilmember Leventhal's stated position on his resolution, and I think
28 that it's time the County stop subsidizing free parking in Rockville -- in the city of
29 Rockville.

30
31 President Knapp,
32 Thank you very much. Councilmember Praisner.

33
34 Councilmember Praisner,
35 Well, my colleague Mr. Leventhal may be surprised to know that there is still a Praisner
36 supporting his resolution. I do not believe free parking is a God-given right. We are
37 moving more and more into an urban area. And as Mr. Leventhal has pointed out, in the
38 most urban areas you pay for your parking. And granted a lot of us around the County
39 have free parking because we have land out there that we can use for free parking.
40 Rockville, Silver Spring, Bethesda they don't have the land, so therefore we have to
41 build a building garage. And that is not cheap. And somehow we have to pay for it. And
42 I see nothing wrong with the library users to pay to park in those parking buildings.
43 Seems to me we're starting off on the wrong side of the equation when we have paid



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1 parking and then I hear any number of suggestions for exclusions. Let those people
2 come up with some ideas as to how we're supposed to handle those exclusions.

3
4 President Knapp,
5 Councilmember Elrich.

6
7 Councilmember Elrich,
8 I'm willing to support Mr. Andrew's resolution or proposal on this. I think despite calling
9 things like Silver Spring and Rockville urban, they're really not urban. So you have a
10 very small and tight core which has some urban characteristics, but the reality is that the
11 library draws on a far larger service area that in no way any of us would characterize as
12 urban, and does not have -- people don't have the opportunity realistically to walk there.
13 And given the nature of our Ride On system, and particularly the infrequency of our
14 Ride On system, people don't use Ride On as much as they could if it was a more
15 developed system. So I think that it's not as accessible as people make it out to be. And
16 it is not as urban as people make it out to be. When I think of the people who use Silver
17 Spring, I think of a very large swath of the lower County that uses Silver Spring as a
18 primary library. And they simply are not in what any of us would define as an urban
19 core. And it's certainly true of Rockville. Rockville Town Center is this little teeny thing
20 across the street over here with some housing units. And very rapidly it breaks down to
21 single-family neighborhoods spread all over the place. And that to me is not the
22 characteristic of an urban library. You're comparing this urbanity to downtown
23 Washington, downtown Philadelphia, and downtown Baltimore. Those are by every
24 definition cities and urban centers. But calling Rockville and downtown Silver Spring a
25 city and an urban center I think is just the wrong comparison. So I will support Phil's
26 proposal on this.

27
28 President Knapp,
29 Councilmember Berliner.

30
31 Councilmember Berliner,
32 I know this was a heck of a way to come back from recess, I'll tell you.

33
34 President Knapp,
35 I didn't want anybody to kind of lulled into submission here, so I wanted to, you know,
36 full force.

37
38 Councilmember Berliner,
39 I am gratified that this item is actually following our earlier discussion with respect to
40 Hillmead, because it demonstrates that our coalitions, if you will, are always shifting and
41 that we are -- we care about public policy. And when we have different views on one
42 matter, we may be with somebody that we were just arguing very strongly against an
43 hour ago. And now I am pleased to join Councilmember Leventhal, with respect to this
44 initiative. And I think his rationale is compelling. I also think, you know, Mr. Elrich and I,



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1 among many people, have been looking at parking, and that parking is such a driver.
2 And that we probably need to increase both the cost and decrease the amount of
3 parking. It is where we need to go if we're going to reduce vehicle miles traveled. Paid
4 parking was never an issue in Bethesda's library. No one ever complained about paid
5 parking in Bethesda. So that Bethesda got swept up in this other set of issues,
6 dynamics with respect to Rockville I think was always regrettable. If you look, and if
7 you've been to Bethesda recently as I know my colleague and I have, and see what's
8 happened now on Bethesda row, immediately opposite. The Bethesda Library, the
9 potential for abuse is huge. So I don't get that it's good public policy. I get that it is rife
10 for abuse. I think it's time that we -- \$90,000, I mean, we argue about \$90,000 a lot. You
11 know, \$90,000, I remember when my colleagues and I were trying to fund, you know,
12 24-hour care for mentally disturbed folks who were trying to get help; and it was
13 \$200,000. So half of that amount right there would have helped fund it; so these dollars
14 do matter. They're bad public policy. They're dollars poorly spent. It's time to admit it
15 and move on.

16
17 President Knapp,
18 Councilmember Floreen.

19
20 Councilmember Floreen,
21 Thank you. Well I supported the initiative to retain the free parking previously and I
22 continue to feel that way. I do think that we need to examine parking policy generally. I
23 think we're pretty united on that issue. We have inconsistent behaviors. Let's face up to
24 it. We subsidize County employee parking. We're still going to subsidize that at the
25 Rockville Library. We do it here. And those members of the public, who are lucky to
26 enjoy us in just the first hour, get to park here free and after that they have to pay. I
27 think -- and that's the price of process. Yes, indeed. It is an entertaining exercise. And
28 the value is unlimited. But I think, you know, if we're going to do this I think we should
29 do it consistently across the board as we figure out taxing policy and parking policy, and
30 how we treat visitors and employees. I think it's all part of the same package. And if
31 we're going to take this up, I'd much prefer to do it in that context than do it on a
32 property-by-property basis, which is what this is. So I support Mr. Andrew's motion --
33 proposal.

34
35 President Knapp,
36 Councilmember Praisner.

37
38 Councilmember Praisner,
39 Excuse me. Did I hear you correctly, Mr. Orlin, when you say by having one or two
40 hours of free parking that it's not enforceable?

41
42 Glenn Orlin,
43 Right.



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1 Councilmember Praisner,
2 Not at all?

3
4 Glenn Orlin,
5 Not at all.

6
7 Councilmember Praisner,
8 Absolutely, 100% not at all.

9
10 Glenn Orlin,
11 You could enforce it if you have people standing by the machine and you follow where
12 they go.

13
14 Councilmember Leventhal,
15 May I?

16
17 Glenn Orlin,
18 I don't know how much that would cost. But that would be, you know, we don't do that.
19 The library -- the Department of Libraries have said that they don't want their folks
20 [inaudible] -- .

21
22 Councilmember Praisner,
23 There's no way that -- when I go see my lawyer and his secretary puts a stamp on my
24 parking sticker, which gives me an hour or two hours of free parking. We can't do
25 something of that nature?

26
27 Glenn Orlin,
28 Well you'd have to talk to the city of Rockville about that. But what I'm saying, in terms
29 of the library, what happens now is you actually get the -- you key in the number into the
30 machine. What that tells the parking enforcement officer is that you're going to be in the
31 library for two hours. But no one is sitting there following you to see whether or not you
32 are in fact going in the library, or going to the library for a half an hour -- .

33
34 Councilmember Praisner,
35 But at least that's a nuisance of having to go back in and getting it re-stamped or
36 whatever it is that's done to it. It's not just -- .

37
38 Glenn Orlin,
39 It depends on how much of a nuisance -- .

40
41 Councilmember Praisner,
42 Not just having free parking. You park for eight hours don't have to worry about it.

43
44 Glenn Orlin,



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1 Well if you -- you could potentially right now park for eight hours because you could
2 come back every two hours and just get a -- just punch in your number again if you can
3 get out from your work. But the way that the machines are situation is you walk in the
4 first set of doors, but you don't go all the way into the library. You go into where the
5 conference rooms are and you punch in the numbers there, and then you can either go
6 into the main part of the library or you can go out and go shopping. But everyone's right.
7 There's no -- there's anecdotal evidence of this, but it's still too early -- we don't know
8 how much of this is happening, but the potential is there. And the history is that people
9 know. They try to figure out everything they can do to gain the system on parking. And
10 this is [inaudible] -- .

11
12 Councilmember Praisner,
13 I guess from my perspective, Mr. Leventhal's motion is going to be defeated, and I'm
14 trying to find some way to at least [inaudible] -- it certainly sounds that way don't it, Mr.
15 Leventhal.

16
17 Councilmember Floreen,
18 It depends on how you vote.

19
20 President Knapp,
21 Stay there.

22
23 Councilmember Praisner,
24 Okay. All right.

25
26 Vice President Andrews,
27 All right. The flawed argument that because something is not 100% effective it should
28 be gutted is simply fallacious argument. Look, we have free parking here for the County
29 Council. It's an hour. Is that enforced? Do we know if people come up here to the
30 County Council? No, we don't know that. We provide it because it's a public good to
31 have access to government.

32
33 Glenn Orlin,
34 And we do know that, because what happens is that during the hours there's a cashier
35 there, you pick a ticket. And then if you leave within an hour you go out for free. If you
36 leave after an hour you pay.

37
38 Vice President Andrews,
39 But we don't know if you use the County Council. We don't know if you're walking
40 across the street.

41
42 Glenn Orlin,
43 Well that's true. That's true.



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1 Vice President Andrews,
2 You could be walking over to the Rockville Town Center. It's the same argument. Look,
3 at some point you decide if a policy is achieving its goal. There's always problems with
4 enforcement. Look at speeding. Look at traffic. David [inaudible], with my staff, went
5 down to Bethesda Library this morning to very much test the system there. He went in
6 there. He got his receipt. He noticed there was a parking enforcement officer going
7 around checking to see if people's time was expired. And so there is enforcement.

8
9 Glenn Orlin,
10 But they don't know where they're going.

11
12 Vice President Andrews,
13 Well, we don't if they're going to the County Council, Glenn.

14
15 Glenn Orlin,
16 Well [inaudible] Council [inaudible] -- .

17
18 Vice President Andrews,
19 But we think it's important for them -- .

20
21 Glenn Orlin,
22 It's a County Government building. But the question is would anybody park in the
23 garage downstairs for an hour if they're really going to go over to the Town Center,
24 which is [a couple blocks away].

25
26 Vice President Andrews,
27 They might go across the street.

28
29 Glenn Orlin,
30 You're right they might.

31
32 Vice President Andrews,
33 They might go up to Tara Asia. All right. The question is do you want it to be an
34 obstacle? Accept there's going to be some measure of abuse; that doesn't mean the
35 policy isn't still beneficial. The cost is not substantial. It's estimated to be less than
36 \$100,000. Hey, I put some -- I put forward some budget savings that would have save
37 about, let's see, ten -- 400 times that amount, I think, in the MFP Committee. So
38 affordability -- my point is \$91,000, it's not credible arguing \$91,000 is a budget buster.
39 We provide heavy subsidies for transit already. And I support them strongly. But we do
40 provide heavy subsidies for people to use Ride On. It is important to recognize that the
41 perfect shouldn't be the enemy of the good. This is a good policy. There will almost
42 never be a perfect policy. If it turns out -- if we get actual evidence other than anecdotal
43 evidence -- and that's all we have. We haven't had any proof that it's being abused. If
44 there's evidence produced, well there are ways to adjust it. The kiosk could be moved



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1 further into the library. All right. So there are ways to adjust it. In hopes of getting a
2 support, I will -- Rockville staff is here. All right. I will be happy to put forward a proposal
3 that I hope will bring us together on this and result in the continuation of this policy. It
4 will be monitored carefully and we will hear about it, I'm sure, if people have problems
5 with it. What I will propose as I think a reasonable compromise to the existing policy is
6 that we amend the resolution that has been introduced by Councilmember Leventhal, to
7 limit the free parking per day to two hours for library users. That -- and to make that
8 nonrenewable. And there is an amendment there that I think would accomplish that.
9 Would you hand that out. And I will ask if there is a second.

10
11 Councilmember Floreen,
12 Second.

13
14 President Knapp,
15 Okay. Further discussion, Mr. Andrews?

16
17 Vice President Andrews,
18 Let me see if the colleagues have any questions about the amendment. I believe that
19 while this is not my ideal solution, which is the current policy. I think it will meet the
20 needs of the great majority of library users who do not stay in the library more than two
21 hours. And it will give us more ability if abuse turns out to be a problem to correct it.
22 Certainly, it would prevent anybody from parking and going away for a long period of
23 time. And I hope that the Council will support this amendment and continue this policy,
24 which has a real value to keeping our libraries open to all of our residents regardless of
25 their income.

26
27 President Knapp,
28 Councilmember Leventhal.

29
30 Councilmember Leventhal,
31 Well I'm really -- I know we have a 7:30 public hearing and I was really hoping to be
32 able to go park for free and get some dinner in Rockville Town Center.

33
34 Vice President Andrews,
35 We have free parking.

36
37 Councilmember Leventhal,
38 Look, there -- this -- you know, I really like Phil Andrews and this is not personal. This is
39 no way better than the existing policy. You can do everything during two hours that you
40 need to do in Rockville Town Center. So this -- I mean unless you live there. Unless you
41 live there, come on. This doesn't address -- if the issue is abuse, which I don't really
42 think, again, I don't think it's necessarily abuse. I think we're posing a policy conundrum.
43 If we claim that a library is the keystone of a town center revitalization and then restrict
44 parking to a certain use, I think you are putting people in a strained situation. And if you



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1 don't, I think ultimately -- I guarantee you, even more so now because we're enshrining
2 basically the concept that two hours is just fine and you can pretty much do anything
3 you want to do. And you're virtuous if you spend 20 minutes in the library. You got the
4 other hour and 40 minutes for free. I guarantee you Montgomery County is going to pay
5 100% of the city of Rockville's debt service on the city of Rockville's parking garage. I'm
6 surprised we're not doing it already. It's going to cost a lot more than \$90,000 real quick.
7 It's a great deal for the city of Rockville. I give Larry Giammo all the credit in the world
8 for figuring out how to set us up on this. But we're going to end up -- we already
9 contributed \$15 million to Rockville Town Center modernization, plus we built a library.
10 And the effect of this amendment, it's very soon is we're just going to pay all the debt
11 service on the city of Rockville's parking garage. This does not address the issue. And it
12 still isn't good policy. And let me just finally say, you don't get free parking at the
13 hospital. All right. You talk about an obstacle. All right. I've spent some time -- I'm not
14 trying to pull anybody's heart strings because we're having a lighthearted discussion
15 here. But I spent some time at Suburban Hospital recently. You pay a lot for parking at
16 Suburban Hospital, and Holy Cross, and Washington Adventist. I don't know about
17 Montgomery General; I haven't spent a lot of time up there. And I don't know about
18 Shady Grove.

19
20 Councilmember Trachtenberg,
21 They pay.

22
23 Councilmember Leventhal,
24 So, I mean, you want to talk about something that's a barrier for poor people. You know,
25 I'll start offering amendments to subsidize parking for everything, because once you
26 open the door to this and once you start saying that anything is a barrier, where do you
27 stop. I mean, and let me finally, my good friend Phil Andrews, surely my friend Phil
28 Andrews does not believe that the gigantic structure of subsidies for automobile travel,
29 starting with the tax subsidies for the [inaudible] industry that Senator Cardin told us
30 about yesterday through funding highways, not having congestion-based pricing. I mean
31 this society, local, state and federal, subsidizes the automobile vastly, vastly more than
32 we subsidize transit, and nobody knows that better than Phil Andrews, who has been a
33 great champion for transit.

34
35 President Knapp,
36 Okay, comments on the amendment? Mr. Andrews.

37
38 Vice President Andrews,
39 Thank you. Let's remember that this is a County library; it's not a city library. It's built for
40 the people of the County. It serves people throughout the County because of its
41 collections, because it is centrally located. It is an affordable policy. It is a policy that is
42 in place. It is a policy that serves an important purpose. It is not brain surgery to figure
43 out to address problems if they're there. The two sponsored resolution has just
44 conceded the issue here isn't really abuse; it's whether we want to have a policy like



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1 this. We make exceptions to policies of charging for parking in urban areas, we make
2 them for employees. All of our County employees have free parking, including in the
3 Rockville Town Center. And we pay the city of Rockville for the use of the Rockville city
4 garage, because they run the garage. That's why we have an appropriation. It's the
5 same kind of system except we would be maintaining the parking for County employees
6 in that fund, but not maintaining it to pay for Rockville library patrons. And so it comes
7 down to whether you think it is important to have no obstacles to library use for people
8 in our community who a-dollar-an-hour parking charge may pose a significant barrier
9 for. And, again, I have not heard anybody say a dollar an hour isn't a barrier. I've heard
10 people, in effect, concede it's something that people don't like to pay by their
11 arguments. A dollar-an-hour parking charge is significant. We want to encourage library
12 use. We do not want people who are poor or people who are volunteering for people
13 who are poor, as the Literacy Council has argued, to have this imposition. Let's continue
14 the policy. Let's monitor it carefully. Let's adjust it if abuse is proven. But let's not junk a
15 policy that is sound, is in place. We don't have any, other than anecdotal evidence that
16 it's not working. And that serves an important public purpose. So I hope my colleagues
17 will support this resolution.

18
19 President Knapp,
20 Okay, we have before us -- .

21
22 Vice President Andrews,
23 Amendment to the resolution.

24
25 President Knapp,
26 We have before us Councilmember Andrew's amendment to modification to the policy
27 on parking at County libraries.

28
29 Councilmember Praisner,
30 I have a question, Mr. President.

31
32 President Knapp,
33 Councilmember Praisner.

34
35 Councilmember Praisner,
36 You say any County library? All the libraries in the County are going to give two hours of
37 free parking and then are going to charge them [inaudible].

38
39 Vice President Andrews,
40 No, what -- well what it would do. The effect of this policy would be to say that there
41 could not be -- .

42
43 President Knapp,
44 Turn the -- your microphone.



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1
2 Vice President Andrews,
3 What it -- .
4
5 Councilmember Praisner,
6 I'm sorry.
7
8 Vice President Andrews,
9 Okay. Do you want to repeat the question?
10
11 Councilmember Praisner,
12 Yeah. The resolution says that there will be not charge for parking for the first two hours
13 of use each day while using any County library.
14
15 Vice President Andrews,
16 That's right. It would ensure that there is free parking for at least two hours at any
17 library. It leaves it open after that.
18
19 Councilmember Praisner,
20 I can't support that.
21
22 Vice President Andrews,
23 What is -- is there -- . May I ask a question?
24
25 President Knapp,
26 No, he's right. He's got the right interpretation. He's got it.
27
28 Vice President Andrews,
29 I'm just trying to understand. May I ask a question?
30
31 President Knapp,
32 Final question, Mr. Andrews.
33
34 Vice President Andrews,
35 Thank you. I'm trying to address why I hear is a concern from my colleague about the
36 wording of the amendment. And I would like to ask him if there is other wording that
37 would make it acceptable to him.
38
39 Councilmember Praisner,
40 Yeah, I think we have to restrict it to those libraries that are using parking garages,
41 Rockville, Bethesda and Silver Spring.
42
43 Vice President Andrews,



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1 All right. I will amend it in that way. I will amend it to say that there will not be a charge
2 for parking during the first two hours of use each day while using any County library
3 where there is a parking garage that normally charges for parking.

4
5 Councilmember Trachtenberg,
6 That doesn't include Bethesda. Bethesda does not [inaudible].

7
8 President Knapp,
9 [Inaudible]. Roger, stop. Okay. So we've got a modification.

10
11 Vice President Andrews,
12 So where parking is normally charged.

13
14 President Knapp,
15 Okay. All right. So what language is being proposed?

16
17 Vice President Andrews,
18 So there will not be a charge for parking during the first two hours of each day while
19 using any County library where parking is normally charged.

20
21 President Knapp,
22 Is there further discussion on the amendment?

23
24 Councilmember Leventhal,
25 Yeah.

26
27 President Knapp,
28 Councilmember Leventhal.

29
30 Councilmember Leventhal,
31 This is precisely the same thing. Mr. Andrews, well done. This is exactly the same as --
32 come on. This is no change. Okay. You don't need more than two hours of free parking,
33 Don. This is -- this doesn't solve anything. And Silver Spring, this is going to be such a
34 pain to implement this in the Wayne Avenue garage. People are going to use this
35 parking and then they're going to go get a beer at McGinty's. They're going to do all
36 these things. And we're just underwriting parking. And we're going to end up subsidizing
37 the debt service of the Rockville garage. If you want to go for it, go ahead. But this is --
38 this has precisely the same effect as the existing policy. This is no change whatsoever
39 to existing policy. People don't use Rockville Town Center for more than two hours. So,
40 you know, look; it's your choice, but really, this is not consistent with the 7-2 vote prior.

41
42 Councilmember Praisner,
43 This is my first day.



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1 Councilmember Leventhal,
2 Don, I'm pleading with you because you're the swing vote here.

3
4 President Knapp,
5 Councilmember -- .

6
7 Councilmember Leventhal,
8 If your view is that parking should not be subsidized, as I said, that it is an inappropriate
9 tar -- not targeted use of funds, then really you, Don, I'm talking directly to you because
10 you're the swing vote here -- should not vote for this amendment. This amendment
11 negates the entire purpose of the resolution.

12
13 President Knapp,
14 Councilmember Berliner no longer has a comment. Council Vice President Andrews.

15
16 Vice President Andrews,
17 All right, let's vote.

18
19 Councilmember Floreen,
20 Let's just vote.

21
22 President Knapp,
23 Okay, we have before us the amendment as modified by Councilmember Andrews. It's
24 the policy -- we've walked through it. Right, the modified amendment. Okay. All in
25 support of the amendment as modified indicate by saying -- or indicate by raising your
26 hand. Council Vice President Andrews, Councilmember Floreen, Councilmember
27 Trachtenberg, Councilmember Praisner, yes, Councilmember Elrich. All opposed --
28 Councilmember Leventhal, Councilmember Ervin, Councilmember Berliner, and myself.
29 We now have the amended action before us.

30
31 Councilmember Leventhal,
32 Would it be -- well.

33
34 President Knapp,
35 Councilmember Leventhal.

36
37 Councilmember Berliner,
38 If I could, parliamentary inquiry [inaudible].

39
40 President Knapp,
41 Councilmember Berliner.

42
43 Councilmember Berliner,



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1 That's like a question of staff. Is there an estimate -- will the effect of this amendment, in
2 your judgment, make it more costly as opposed to less costly to enforce this. I mean,
3 the last thing we want to be doing here in trying to address this public policy issue is to
4 end up making it worse from a fiscal perspective. Do you have a sense as to whether or
5 not, in order to enforce this, we're going to end up spending more dollars on this?

6
7 Glenn Orlin,

8 I don't think it's any -- I think it's like Mr. Leventhal said, I don't think it's any different
9 than the current policy, in terms of the enforceability or not. So I don't think it will make
10 any difference in terms of the cost. The one thing actually that -- if someone could read
11 back the approved amendment because I need to -- there's language in the budget
12 resolution that you adopted which says, funds appropriated to the Rockville parking
13 district NDA -- this is the bottom of the packet on page one -- may be spent to reimburse
14 the city of Rockville for revenue lost during the provision of free patron parking for the
15 Rockville Library only if free parking is mandated at County libraries by Council
16 resolution. So does this revised resolution mandate County libraries -- mandate free
17 parking at County libraries?

18
19 President Knapp,

20 For two hours.

21
22 Glenn Orlin,

23 Okay, two hours, but only if those which charge for parking.

24
25 Councilmember Berliner,

26 I think Council's question is whether having specified only three libraries, is that
27 consistent with the language -- .

28
29 Glenn Orlin,

30 Have the sort of perverse reaction -- .

31
32 Councilmember Berliner,

33 [Inaudible] public libraries versus those three.

34
35 Glenn Orlin,

36 Of eliminating the subsidy.

37
38 Michael Faden,

39 It isn't consistent with that.

40
41 Glenn Orlin,

42 It isn't consistent with that? Okay. He says [inaudible]. All right.

43
44 President Knapp,



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1 Councilmember Leventhal.

2
3 Councilmember Leventhal,

4 I think this is -- I think this is just a very unfortunate turn of events. I don't think I have
5 the power. I think once I've introduced a resolution it's the property of the County and
6 the Council; I don't think it's my property anymore. So I don't think I have the power. I
7 will not vote against my own resolution.

8
9 President Knapp,

10 We have before us the amended resolution modifying parking at libraries. All in support
11 of the amended resolution indicate by raising your hand. Council Vice President
12 Andrews, Councilmember Floreen, Councilmember Trachtenberg, Councilmember
13 Praisner, and Councilmember Elrich. All opposed indicate -- Councilmember Leventhal,
14 Councilmember Ervin, Councilmember Berliner and myself. The motion carries as
15 amended. We now turn to Legislative Session, Day Number 19. Madam Clerk, is there
16 a Legislative Journal for approval?

17
18 Council Clerk,

19 You have the Legislative Journals of April 22 and May 6 for approval.

20
21 President Knapp,

22 Is there a motion?

23
24 Councilmember Trachtenberg,

25 So moved.

26
27 President Knapp,

28 Moved by Councilmember Trachtenberg. Is there a second?

29
30 Councilmember Elrich,

31 Second.

32
33 President Knapp,

34 Seconded by Councilmember Elrich. Is there discussion on the journals? Seeing none;
35 all in support indicate by raising your hand. That is unanimous among those present.

36 We now have introduction of a series of Bills. First, Bill 21-08, Contracts and
37 Procurement - Prevailing Wages - Construction, sponsored by Councilmembers Ervin,
38 Trachtenberg, Leventhal, Elrich, Floreen and Berliner. Public Hearing is scheduled for
39 July 8, at 1:30 p.m. Expedited Bill 22-08, Retirement - Elected Officials, sponsored by
40 the Council President at the request of the County Executive. Public Hearing is
41 scheduled for June 24, at 1:30 p.m. Bill 23-08, Commission on Veterans Affairs -
42 Establishment, sponsored by the Council President at the request of the County
43 Executive. Public Hearing is scheduled for July 8 at 1:30 p.m. Expedited Bill 24-08,
44 Landlord-Tenant Relations - Attorney Fees - Sunset, sponsored by the Council



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1 President at the request of the County Executive. Public Hearing is scheduled for July 8,
2 at 1:30 p.m. And Bill 25-08, Emergency Medical Services Transport Fee - Imposition,
3 sponsored by the Council President at the request of the County Executive. Public
4 Hearing is scheduled for July 8, at 7:30 p.m. We have further call of Bills for final
5 reading. I believe we can do all of these in one action. Okay. We have Bill 16-08, which
6 is Special Capital Improvements Project for Montrose Parkway East; Bill 17-08, which is
7 for Nebel Street Extended; Bill 18-08, which is for Woodfield Road Extended; Bill 19-08,
8 which is for Bethesda Metro Station South Entrance; and Bill 20-08, Bethesda Lot 31
9 Parking Garage. Are there any -- is there discussion? Seeing none, Madam Clerk, if you
10 would call the roll.

11
12 Council Clerk,
13 Mr. Elrich.

14
15 Councilmember Elrich,
16 Yes.

17
18 Council Clerk,
19 Mr. Praisner.

20
21 Councilmember Praisner,
22 Yes.

23
24 Council Clerk,
25 Ms. Trachtenberg.

26
27 Councilmember Trachtenberg,
28 Yes.

29
30 Council Clerk,
31 Mr. Leventhal.

32
33 Councilmember Leventhal,
34 Yes.

35
36 Council Clerk,
37 Ms. Ervin.

38
39 Councilmember Ervin,
40 Yes.

41
42 Council Clerk,
43 Mr. Berliner.



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1 Councilmember Berliner,
2 Yes.

3
4 Council Clerk,
5 Mr. Andrews.

6
7 Vice President Andrews,
8 Yes.

9
10 Council Clerk,
11 Mr. Knapp.

12
13 President Knapp,
14 Yes. The motions are agreed to 8-0. Thank you very much. We now turn to our final
15 item for the afternoon session. We have a Public Hearing that begins at 7:30. Our
16 presentation on the report of the Charter Review Commission. I would ask Nancy
17 Soreng to join us, who is the Chair -- who has accepted the Chair of the Charter Review
18 Commission, and has governed them through their deliberations during the course of
19 the last -- however -- 18 months? Just one year, okay. And I would also, before we get
20 started, apologize; Councilmember Floreen has a meeting in Annapolis which she has
21 to depart for. So she extends her regrets.

22
23 Nancy Soreng,
24 Okay. Well I want to say thank you for inviting me tonight. I will try and be brief so that
25 you can grab a bite before your hearing; but you don't have time to go to the town
26 center, free parking or not. Isn't there a cafeteria? This is the report. I'm sure you've all
27 read it from cover to cover. It's fascinating reading but for the benefit of the viewing
28 audience, I'm going to highlight a few items in there. We're really only making one
29 recommendation, and that is that three provisions in the Charter that are legally
30 inefficient be repealed -- or legally ineffective. As you all know the Maryland Constitution
31 prohibits legislating through the Charter. It also further states that the Charter should
32 only contain provisions that address the fundamental aspect of the [inaudible] function
33 of government. And it is the opinion of the commission that none of these three
34 provisions do that. In addition, two of them have also been ruled ineffective because
35 they are in conflict with certain state law. So therefore we are recommending a repeal of
36 Section 311A, which places limitations on expenditures for landfills and residential
37 zones; Section 311B, which place limitations on expenditures, contracts and permits for
38 burying or trenching sewage sludge in residential zones; and Residential 313A, that has
39 limitations on purchasing contracting for good and services with regard to the C&P
40 Telephone Company, which I don't even think is in existence anymore. The
41 Commission also suggests that when you're preparing language for the ballot that you
42 combine all three of these into a single ballot question. I think it will be simpler for the
43 voters, and there is precedent for combining ineffective or making technical revisions in
44 a single question. I just want to mention that several Councilmembers have expressed



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1 an interest in having the Commission review a proposed Charter amendment that will
2 appear on the ballot in 2008 as a result of a petition drive. This amendment would limit
3 the Council's authority to override the existing tax cap as provided in Charter Section
4 305. It would limit property tax revenues increases to growth plus inflation unless a vote
5 of all nine members provides for that. The Commission voted 9-0 with two members
6 absent to recommend not making this change to the Charter. Reasoning was that
7 requiring nine votes would be problematic if one Councilmember was absent, or as
8 occurred this year during budget deliberation, there was a vacancy on the Council.
9 Secondly, we believe that giving veto power to a single member of the Council is
10 inappropriate. And we're also concerned that restricting the Council's fiscal options
11 could jeopardize your AAA bond rating, and it also could result in an unwanted and
12 unnecessary reduction of County services. So that's what we're recommending to you.
13 We did look at several other issues. Those issues were should the appointment process
14 for the Inspector General be changed; should revenue raised by and for special taxing
15 districts be excluded from the calculation that determines the Charter limit for growth on
16 property tax revenue; should the structure of the County Council be changed; and
17 should the selection process for the Council President be changed. However, we were
18 not ready to make a recommendation on any of those issues at this time. We do plan to
19 hold a hearing in the fall where we can get public input on those issues. And we may
20 also be hearing about other things that the public wants us to consider. Or you may
21 come back to us with other considerations. And we will be studying those over the next
22 two years. But I will see you again in a couple of years. And if you have any questions
23 I'll be glad to answer.

24
25 President Knapp,
26 Great. No. Thank you very much. Councilmember Leventhal.

27
28 Councilmember Leventhal,
29 Just to clarify. The Charter Review Commission is not proposing any initiatives for the
30 ballot this November?

31
32 Nancy Soreng,
33 We're just repealing three parts of the Charter; those three legally ineffective provisions.
34 But we're not -- we're not proposing -- .

35
36 Councilmember Leventhal,
37 That would be the only thing that would go on the ballot.

38
39 Nancy Soreng,
40 We're not proposing anything new at this point. We had a -- only a one year and there
41 was an organizational time, and we just didn't feel like we had had adequate public
42 input to make any other recommendations at this time.

43
44 President Knapp,



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1 Okay, great. Nancy, I was going to ask if you would introduce any other members who
2 are with you.

3
4 Nancy Soreng,

5 Oh, sure. I'd be glad to. We have my Co-Chair here, Alice [inaudible]; we Judith Vander
6 -- Judy Vander [inaudible]. See, I'm on a first-name basis. And Wilbur Friedman, thank
7 you. Isn't that terrible, I couldn't think [inaudible].

8
9 President Knapp,

10 Thank you very much. I just wanted to extend my thanks and appreciation to all of you
11 for the time and your commitment to looking at these issues and that time that you've
12 taken to study them. We're very appreciative.

13
14 Nancy Soreng,

15 Okay, thank you.

16
17 President Knapp,

18 Council Vice President Andrews.

19
20 Vice President Andrews,

21 Very much in the same vein; I want to thank you and the other members of the
22 commission for the hard work. I know that you had a chance to meet with a number of
23 people during the year, including some Councilmembers. I enjoyed the chance to meet
24 with the Commission and go back and forth on different ideas. It really is a good
25 example of dedicated citizens reviewing every election the basic document and the
26 basic document that guides this County. And we are very fortunate to have people of
27 your caliber who are willing to volunteer their time to do that; so thank you.

28
29 President Knapp,

30 I see no further comments. I also thank you for hanging with us for as long as you did
31 today. I know we were somewhat entertaining at times, but -- and thank you for your
32 brevity. This concludes the Council's actions for our session today. We do however
33 have a Public Hearing that begins in 33 minutes right back here. And so I would urge
34 my colleagues to not venture too far. Thank you all very much.

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